



W.P(MD)No.8584 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8584 of 2023
and
W.M.P(MD)No.7887 of 2023

S.Sheeba Inba Jothi

... Petitioner

Vs.

1.The Chief Educational Officer,
Madurai, Madurai District.

2.The District Educational Officer,
Melur-625 106,
Madurai District.

3.The Secretary,
Sri Ram Nallamani Yadava Girls
Higher Secondary School,
Tiruppalai, Madurai-625 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the first respondent Chief Educational Officer in O.Mu.No.3265/A4/2021 dated --.06.2021, quash the same and further direct the first respondent Chief Educational Officer herein to approve forthwith the promotion of petitioner as B.T Assistant in Tamil with effect from 15.04.2021 in the third respondent School, namely, Sri



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Ram Nallamani Yadava Girls Higher Secondary School, Thiruppalai and disburse the grant-in-aid towards her salary with all attendant benefits from the said date.

For Petitioner : M/s.A.Amala

For R-1 & R-2 : Mr.N.GA.Natraj
Government Advocate

For R-3 : No appearance

ORDER

The present writ petition has been filed by a B.T Assistant (Tamil) Teacher challenging the order passed by the Educational Authorities refusing to approve her appointment.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as a Physical Education Teacher on 02.06.2004. She was promoted as B.T Assistant (Tamil) on 15.04.2021. When the proposal was sent for approval, the authorities have rejected the said proposal on the ground that the petitioner has undergone C.P.Ed., course as well as B.A (Tamil) course during the same academic year.



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3. According to the learned Counsel appearing for the writ petitioner, the petitioner had joined B.A (Tamil) through distance education in Madurai Kamaraj University in the academic year 2000-2001. She had completed her second year in the academic year 2001-2002. Thereafter, according to the petitioner, she had not paid her fees for the third year for the academic year 2002-2003. She had discontinued B.A (Tamil) course. Thereafter, she had joined C.P.Ed., course in Karnataka in the academic year 2002-2003. After completing the certificate course in Karnataka, thereafter, she had joined the third year B.A Tamil course in Madurai Kamaraj University in the academic year 2003-2004. Therefore, according to the learned Counsel appearing for the writ petitioner, there was no over lapping of two courses in the same academic year.

4. Per contra, the learned Government Advocate appearing for the official respondents had contended that there is no record to the effect that the petitioner has not undergone the third year B.A Tamil course during the academic year 2002-2003 in Madurai Kamaraj University.



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5. Considering the above said facts, this Court is inclined to pass the following order:

(i) The petitioner is directed to get a certificate from Madurai Kamaraj University to that effect that she had not undergone third year B.A Tamil course in the academic year 2002-2003.

(ii) On production of such certificate, the first respondent herein is directed to approve the promotion of the writ petitioner as B.T Assistant (Tamil) with effect from 15.04.2021 with all attendant benefits, within a period of twelve (12) weeks from the date of receipt of certificate from the University.

6. With the above said direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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Madurai District.
 - 3.The Secretary,
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Higher Secondary School,
Tiruppalai, Madurai-625 014.
 - 4.The Registry,
Madurai Kamaraj University,
Madurai.



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R.VIJAYAKUMAR, J.

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