



W.P(MD)No.9036 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9036 of 2023

and

W.M.P(MD)Nos.8197 & 8198 of 2023

G.Mary Latha

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
The Office of the CEO,
S.L.B South Road,
Nagercoil,
Kanyakumari District-629 001.
- 4.The District Educational Officer,
The Office of the DEO,
S.L.B South Road,
Nagercoil,
Kanyakumari District-629 001.



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5.The Correspondent,
Little Flower Girls Hr. Sec. School,
Ramanputhur,
Nagercoil-629 004,
Kanyakumari District.

... 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 fourth respondent District Educational Officer in O.Mu.No.06910/A3/2021, dated 00.11.2021, quash the same and further direct the third respondent Chief Educational Officer to approve forthwith the appointment of the petitioner as B.T Assistant (Science) in the fifth respondent School, with effect from 18.11.2015 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner : M/s.S.Amala Irudhaya Mary

For R-1 to R-4 : Mr.D.Sadiq Raja
Additional Government Pleader

For R-5 : Mr.A.Santhanam

ORDER

The present writ petition has been filed by a B.T Assistant (Science) Teacher, who was appointed in the fifth respondent School seeking to quash the order of the fourth respondent herein, wherein her request for approval of her appointment was rejected on the ground that she is a surplus Teacher.



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2. The respondents herein have filed a counter that the writ petitioner has been appointed in a surplus post and therefore, she cannot be approved. However, the counter does not mention the academic year in which the Teacher post became surplus. For the purpose of finding out surplus Teacher, the academic year in which a candidate is appointed is relevant. The authorities cannot rely upon any other academic year for considering a Teacher as a surplus Teacher.

3. In the present case, the petitioner having been appointed on 18.11.2015, the third respondent is hereby directed to consider whether the petitioner and any surplus Teachers within the corporate Management in the academic year 2015-2016 or not. In case there are no surplus, the third respondent herein is directed to approve the appointment of the writ petitioner as B.T Assistant (Science) with effect from 18.11.2015 with all attendant benefits and pass orders, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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4. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

27.11.2023

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

To

- 1.The Secretary,
The State of Tamil Nadu,
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- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
The Office of the CEO,
S.L.B South Road,
Nagercoil,
Kanyakumari District-629 001.
- 4.The District Educational Officer,
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R.VIJAYAKUMAR, J.

BTR

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