



W.P(MD)No.9141 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.9141 of 2023

and

W.M.P(MD)Nos.8258 & 8259 of 2023

M.Smiline Radhika

... 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.4977/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 01.06.2016 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 challenging the order passed by the fourth respondent herein, rejecting the request of the School for approving the appointment of the writ petitioner on the ground that there are surplus Teachers not only in the Corporate



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Management, but also in Kanyakumari District as regards the B.T Assistant (Science) Teachers.

2. A perusal of the order impugned in the writ petition does not disclose whether there are any surplus Teachers in the Corporate Management or not. The availability of surplus Teachers in other Managements cannot be taken into consideration.

3. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the fourth respondent herein. He shall verify whether there are any surplus Teachers within the Corporate Management of the fifth respondent School in the academic year 2016-2017 and in case if there are no surplus B.T Assistant (Science) Teachers, he shall proceed to pass orders approving the appointment of the writ petitioner as B.T Assistant (Science) Teacher with effect from 01.06.2016 with all attendant benefits 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,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
The Office of the CEO,
S.L.B South Road,
Nagercoil,
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- 4.The District Educational Officer,
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R.VIJAYAKUMAR, J.

BTR

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