



W.P.(MD).No.9430 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9430 of 2023

and

W.M.P.(MD) Nos.8418 and 8420 of 2023

S.Preghi

Vs.

... Petitioner

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 Chief Educational Officer,
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 Higher Secondary 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 Na.Ka.No.4976/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 Sewing Mistress in the fifth respondent School, w.e.f 01.07.2019 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner	: Ms.S.Amala Irudhaya Mary
For Respondents	: Mr.D.Saidq Raja Additional Government Pleader for R1 to R4 : Mr.A.Santhanam – for R5

ORDER

The present writ petition has been filed by a Sewing Mistress, who was appointed in the fifth respondent School challenging the order, wherein, her appointment was not approved by the Educational Authorities.



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2. According to the learned counsel appearing for the writ petitioner, as per the staff fixation order for the academic year 2019 – 2020, the school is entitled to fill up one Sewing Mistress Post. Therefore, the petitioner was appointed on 01.07.2019. The proposal was sent for approval. The fourth respondent herein has rejected the said approval on the ground that surplus Sewing Mistress are available in the Kanyakumari Educational District in other Aided Schools. This order is under challenge in the present writ petition.

3. The fourth respondent has filed counter and in Paragraph No.12, has specifically contended that the School does not have any surplus teachers, but other schools coming within the same Educational District have got surplus teachers. Therefore, it is clear that there is an admission on the part of the fourth respondent herein that neither in the fifth respondent School nor in the Corporate Management, there are any surplus Sewing Mistress.

4. In view of the above said facts, the order impugned in the writ petition is set aside and the fourth respondent herein is directed to approve



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the appointment of the writ petitioner with effect from 01.07.2019 with all attendant benefits. The said exercise shall be completed within a period of six weeks from the date of receipt of copy of this order.

5. with the above said observations, this writ petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The 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 Chief Educational Officer,
S.L.B. South Road,
Nagercoil,
Kanyakumari District – 629 001.



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4. The District Educational Officer,
The Office of the DEO,
S.L.B. South Road,
Nagercoil,
Kanyakumari District – 629 001.



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R.VIJAYAKUMAR,J.

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