



W.P.(MD)No.11924 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11924 of 2020

and

W.M.P(MD)No.10299 of 2020

M.Anna Helan Arasi

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road, Chennai-600 006.

2.The District Educational Officer,
Valiyoor, Tirunelveli District.

3.The Block Educational Officer,
Rathapuram, Tirunelveli District.

4.The Correspondent,
Sacred Heart Middle School,
T.Kallikulam-627 113
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd respondent DEO to approve the appointment of the petitioner as B.T



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Assistant in the 4th respondent School namely, Sacred Heart Middle School, T.Kallikulam, Tirunelveli, for the period 03.10.2008 to 15.07.2011 and release the arrears of salary with all other attendant benefits in the light of the order of this Court dated 18.02.2014 in W.P.(MD)No.6394 of 2010, by considering her representations dated 19.11.2014 and 26.03.2016.

For Petitioner : Mr.P.Muthuvel
for M/s.Isaac Chambers

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 2nd respondent D.E.O., to approve the appointment of the petitioner as B.T Assistant in the 4th respondent School viz., Sacred Heart Middle School, T.Kallikulam, Tirunelveli for the period from 03.10.2008 to 15.07.2011 and release the arrears of salary with all other attendant benefits, in the light of the order of this Court, dated 18.02.2014 in W.P.(MD)No.6394 of 2010, by considering her representations dated 19.11.2014 and 26.03.2016.



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2. The case of the petitioner is that the fourth respondent School is an Aided Minority Educational Institution and the petitioner was appointed as B.T. Assistant in the year 2008. Thereafter, the fourth respondent School submitted a proposal to the District Educational Officer, seeking for approval of the petitioner's appointment in the year 2009. But the same was returned directing to resubmit the proposal along with staff fixation for the academic year 2009 – 2010. Subsequently, the fourth respondent School resubmitted the proposal. However, the District Educational Officer, vide proceedings dated 18.03.2010, declined to approve the appointment. As the D.E.O., had taken away the minimum post sanctioned to the school, the staff fixation for the academic year 2009 - 2010 dated 22.09.2009 and consequently proceedings of the Director, dated 22.12.2009, resuming one post Secondary Grade Teacher from the School was challenged by the fourth respondent school before this Court in W.P.(MD).No.6394 of 2010.

3. This Court, by order dated 30.04.2010 in M.P.(MD).No.2 of 2010, had initially granted interim order of stay of the impugned



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proceedings and finally, allowed the writ petition on 18.02.2014, holding that the School is eligible to have minimum eight teachers in the ratio of one teacher for each class. The said order has become final and no appeal was preferred as against the same. As per the above order, the school is eligible to have eight posts including the post in which the petitioner was appointed and the District Educational Officer is bound to approve the appointment with effect from 03.10.2008. Therefore, the petitioner has made a representation to the District Educational Officer and the Block Educational Officer through the fourth respondent on 19.11.2014, requesting to approve the petitioner's appointment in the post of B.T.Assistant in the fourth respondent School. Since there was no response, she has submitted another representation to the D.E.O., and B.E.O., on 26.03.2016. But the said representation was not considered. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to consider the petitioner's representation dated 26.03.2016 and pass appropriate orders.



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5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioner's representation dated 26.03.2016 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

02.01.2023

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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