



W.P(MD)No.10497 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10497 of 2023
and
W.M.P(MD)No.9328 of 2023

M.Athiyan

... Petitioner

Vs.

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

2.The District Educational Officer,
Melur, Madurai District.

3.The Correspondent,
Nehru Vidhyasalai Higher Secondary School,
Vedavalli Bagar, Kosakulam,
Madurai-625 017.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceeding issued by the 1st respondent Chief Educational Officer in O.Mu.No.5452/A4/2021, dated --.09.2021 and the consequential impugned proceeding of the 2nd respondent District Educational Officer in O.Mu.No.3509/a1/2021, dated 23.12.2021 quash the same, further direct the 1st respondent Chief Educational Officer herein to approve forthwith the appointment of



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petitioner as Physical Education Teacher in the 3rd respondent school namely, Nehru Vidhyasalai Higher Secondary School, Vedavalli Nagar from the date of his appointment i.e., 17.03.2021 and disburse the grant-in-aid towards his salary and allowance w.e.f the said date.

For Petitioner : M/s.A.Amala

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a Physical Education Teacher, who was appointed to the 3rd respondent school, challenging the order passed by the 1st and 2nd respondents herein, wherein they have rejected the approval for his appointment.

2. According to the learned counsel appearing for the writ petitioner, the 3rd respondent school is a minority stand alone school. As per the staff fixation order of the year 2022-23, one Physical Education Teacher teacher post is available to the school. The school is having strength of 586 students. Therefore, the petitioner herein was appointed as a Physical Education Teacher on 17.03.2021.



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3. A proposal of the said appointment was forwarded to the 1st and 2nd respondents herein. Under the impugned order, the 1st respondent herein has rejected the request for approval on the ground that the Government has filed S.L.P before the Hon'ble Supreme Court challenging the order of the Division Bench in W.A(MD)No.76 of 2019. Other than the said reason, no other reasons have been assigned in the impugned order. The 2nd respondent has passed a consequential order informing the order passed by the 3rd respondent herein. These two orders are under challenge in the present writ petition.

4. Considering the staff fixation order of a stand alone school and the fact that the pendency of S.L.P before the Hon'ble Supreme Court is no way connected with the approval of appointment of Physical Education Teacher, this Court is inclined to set aside the impugned orders passed by the 1st and 2nd respondents and to direct the 1st and 2nd respondents herein to approve the appointment of the petitioner as a Physical Education Teacher with effect from 17.03.2021 with all attendant benefits within a period of twelve (12) weeks from the date of receipt of copy of this order.



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5. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.11.2023

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

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To

- 1.The Chief Educational Officer,
Madurai, Madurai District.
- 2.The District Educational Officer,
Melur, Madurai District.



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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.10497 of 2023

Dated:
28.11.2023