



W.P.(MD)No.380 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)No.380 of 2019
and W.M.P(MD).No.319 of 2019**

The Secretary
Mallankinar Nadargal M.S.P.Senthilkumara
Nadar Higher Secondary School
Mallanginaru-626 109,
Virudhunagar District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.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,
Virudhunagar District, Virudhunagar.
- 4.The District Educational Officer,
Virudhunagar District, Virudhunagar.
- 5.R.Rajamaickam

... Respondents



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(R5 is impleaded vide order dated 02.08.2022 in W.M.P(MD).No.4446 of 2019 in W.P(MD).No.380 of 2019)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of 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.6771/A2/2018 dated 18.12.2018, quash the same and further, direct the respondents 3 and 4 to approve forthwith the appointment of M.Saravanababu as Junior Assistant in the petitioner's School with effect from the date of his appointment viz., 13.12.2018 with all attendant benefits including the arrears of salary and allowances.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.S.Saji Bino
Special Government Pleader
for R1 to R4
Mr.T.Aswin Rajasimman for R5

ORDER

This Writ Petition has been filed to call for the records relating to the impugned proceedings issued by the fourth respondent/District Educational Officer in O.Mu.No.6771/A2/2018 dated 18.12.2018, quash the same and direct the respondents 3 and 4 to approve forthwith the appointment of M.Saravanababu as Junior Assistant in the petitioner's



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School, with effect from the date of his appointment, viz., 13.12.2018 with all attendant benefits including the arrears of salary and allowances.

2. The learned counsel appearing for the petitioner School would submit that the petitioner School has forwarded a proposal for approval of the appointment of one M.Saravanababu to the post of Junior Assistant. However, the same was returned on the ground that the petitioner School has not obtained prior permission for filling up the non-teaching post and the relinquishment letter has to be obtained from the other eligible teachers working in the School. Challenging the same, the present writ petition has been filed.

3. The learned counsel would further submit that it would suffice if this Court permits the petitioner to send a fresh proposal for approval of the appointment of Junior Assistant.

4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4



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and the learned counsel appearing for the fifth respondent.

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5. In view of the submission made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order issued by the fourth respondent, grants liberty to the petitioner to send a fresh proposal to the concerned Authority for approval of the appointment of the Junior Assistant after obtaining unwillingness letters from the eligible candidates working in the School.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

21.02.2023

Index : Yes / No

Speaking Order : Yes / No

ssb



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M.DHANDAPANI,J.

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