



W.P.(MD)No.14112 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14112 of 2020

R.Mery Kavitha

Vs.

... Petitioner

- 1.The Director of School Education,
School Education Department,
DPI Complex,
Chennai.
- 2.The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.
- 3.The Block Educational Officer,
Block Education Office,
Palayamkottai,
Tirunelveli District.
- 4.The Manager,
TDTA Primary and Middle Schools,
Palayamkottai,
Tirunelveli District.



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5. The Correspondent,
TDTA Primary School,
Burkitmanager 627 351,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 4th and 5th respondents to resend the proposal of approval of the petitioner's appointment as Secondary Grade Teacher in the 5th respondent school and further direct the 2nd respondent to approve her appointment as Secondary Grade Teacher in 5th respondent School with effect from 01.10.2019 and release all monetary benefits along with monthly salary, by considering the representation of the petitioner dated 24.08.2020.

For Petitioner	:	Mr.R.Maheswaran
For R1 to R3	:	Mr.T.Amjad Khan
For R4 & R5	:	Mr.G.Prabu Rajadurai

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to re-send the proposal of approval of the petitioner's appointment as Secondary Grade Teacher in the



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5th respondent school and further direct the 2nd respondent to approve her appointment as Secondary Grade Teacher in 5th respondent School with effect from 01.10.2019 and release all monetary benefits along with monthly salary, by considering the representation of the petitioner dated 24.08.2020.

2. The case of the petitioner is that she was appointed as Secondary Grade Teacher in the fifth respondent School in the year 2017. Thereafter, the fourth respondent has forwarded a proposal to the second respondent for approval of her appointment. However, on 07.11.2018, the third respondent returned the proposal stating that pursuant to the staff fixation for the academic year 2016 – 2017, the petitioner's post is surplus post. Subsequently, in the month of September 2019, one Secondary Grade Teacher viz., Paulin retired from service on superannuation. However, the fifth respondent has not forwarded any proposal. Hence, the petitioner has made a representation to the District Collector, on 24.08.2020 and the same was also forwarded to the second respondent. However, till date the respondents have not taken any steps for approving the appointment of the petitioner. Hence, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that initially the petitioner was appointed as Secondary Grade Teacher in the fifth respondent School in the year 2017. The fourth respondent has forwarded the proposal to the second respondent for approval of her appointment. But the third respondent has returned the same in the year 2018 stating that pursuant to the staff fixation for the academic year 2016 – 2017, the petitioner's post is surplus. Subsequently, there is a vacancy in the fifth respondent School and hence, liberty may be granted to the petitioner to file a fresh representation to the private respondents as well as the Educational authority for approval of her appointment.

4. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 and 5.



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5. Considering the limited request made by the learned counsel for the petitioner, this Court grants liberty to the petitioner to work out the remedy, in the manner known to law. Accordingly, this Writ Petition is disposed of. No costs.

19.01.2023

NCC: Yes/No

Index : Yes / No

Speaking Order : Yes / No

akv

To

1.The Director of School Education,
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Tirunelveli.

3.The Block Educational Officer,
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M.DHANDAPANI,J.

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