



WEB COPY



W.P.(MD).No.14177 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P.(MD).No.14177 of 2021
and WMP(MD).No.11127 of 2021**

P.Chithra

....Petitioner

Vs

1.The Chief Educational Officer
Virudhunagar District

2.The District Educational Officer
Aruppukottai
Virudhunagar District

3.The Secretary
Saiva Bhanu Kshatriya Higher Secondary School
Aruppukottai
Virudhunagar District

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings in Oo.Mu.No. 4730/A1/2019 dated 28.09.2020 and quash the same and consequently direct the respondents to approve the appointment of the petitioner as B.T.Assistant (English) from the date of appointment ie. from 27.03.2019 with salary and all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For R1 & R2 : Mr.D.Sadiq Raja
Additional Government Pleader



W.P(MD).No.14177 of 2021

ORDER

WEB COPY

The present writ petition has been filed by a B.T.Assistant Teacher appointed to the third respondent School, challenging the order dated 28.09.2020 wherein her appointment was not approved by the first respondent.

2.According to the learned counsel for the petitioner, the third respondent management has sought prior approval to fill up the post of B.T.Assistant (English) and accordingly, the first respondent has granted permission vide order dated 29.01.2019. Based upon the said permission, the petitioner herein was appointed on 27.03.2019 as B.T.Assistant (English). The said order was sent for approval to the first respondent on 22.04.2019.

3.Under the impugned order, the first respondent had rejected the said proposal relying upon G.O.Ms.No.165, School Education Department dated 17.09.2019 and pendency of SLP as against the order of this Court in WA(MD).Nos.76, 255 batch cases. The said order is under challenge in the present writ petition.

4.WA(MD).No.76 of 2019 etc. batch cases, dated 31.03.2021, this Court was pleased to declare that G.O.Ms.No.165, School Education Department dated 17.09.2019 as inoperative. That apart, though SLP by the State challenging the order in WA(MD).No.76 of 2019 is pending, the



W.P(MD).No.14177 of 2021

Hon'ble Supreme Court was pleased to stay only with regard to the direction in paragraph No.95(i). The rest of the directions have not been stayed by the Hon'ble Supreme Court.

5.In view of the above said reasons assigned in the impugned order, the respondents have rejected the approval of appointment of the writ petitioner are not legally sustainable.

6.In view of the above said facts, the order impugned in writ petition is set aside. The first respondent is directed to approve the appointment of the writ petitioner with effect from 27.03.2019 with all attendant benefits and shall pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

7.With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2023.

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



W.P(MD).No.14177 of 2021

To

WEB COPY

1.The Chief Educational Officer
Virudhunagar District

2.The District Educational Officer
Aruppukottai
Virudhunagar District

3.The Secretary
Saiva Bhanu Kshatriya Higher Secondary School
Aruppukottai
Virudhunagar District



WEB COPY



W.P(MD).No.14177 of 2021

R.VIJAYAKUMAR, J.

msa

W.P.(MD).No.14177 of 2021
and WMP(MD).No.11127 of 2021

21.11.2023