



W.P.(MD)No.14342 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14342 of 2020

Ashiba Jenish

... Petitioner

Vs.

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

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

3.Al Ameen Urdu Tamil High School,
represented by its Correspondent,
Melur,
Madurai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st respondent in his proceedings in Na.Ka.No.3975/A4/2020 dated 10.9.2020 and quash the same as illegal and consequently direct the respondents to approve the appointment of the petitioner to the post of B.T.Assistant (English) in the 3rd



W.P.(MD)No.14342 of 2020

respondent School with effect from the date of her initial appointment i.e. 04.09.2019 with all attendant benefits within the time that may be stipulated by this Court.

For Petitioner : Mr.E.Marees Kumar
For R1 and R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent, dated 10.9.2020 and to quash the same and consequently direct the respondents to approve the appointment of the petitioner to the post of B.T.Assistant (English) in the 3rd respondent School with effect from the date of her initial appointment ie., on 04.09.2019 with all attendant benefits.

2. The case of the petitioner is that she was appointed as B.T.Assistant (English) in the third respondent School on 04.09.2019. Thereafter, the third respondent School forwarded a proposal to the District Educational Officer, Melur, Madurai District, the second respondent herein



W.P.(MD)No.14342 of 2020

WEB COPY

on 22.05.2020, seeking approval of the petitioner's appointment. The second respondent has forwarded the same to the first respondent for approval. However, the first respondent has rejected the same by the impugned order dated 10.09.2020, citing the order passed by this Court in W.A.(MD).No.76 of 2019, dated 09.04.2019, that was issued in respect of the Schools which had surplus teachers. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the writ appeal in W.A.(MD).No.76 of 2019 was disposed of and there is no legal impediment to consider the proposal for approval of the petitioner's appointment and hence, liberty may be granted to the third respondent School to send a fresh proposal to the respondents 1 and 2.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 did not dispute the fact submitted by the learned counsel appearing for the petitioner.



W.P.(MD)No.14342 of 2020

WEB COPY

5. In view of the above, this Court grants liberty to the third respondent School to send a fresh proposal to the respondents 1 and 2 and on receipt of the same, the respondents 1 and 2 are directed to consider the same and pass appropriate orders, without referring to the interim order granted by the Division Bench of this Court in W.A.(MD).No.76 of 2019, dated 09.04.2019. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

30.01.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

akv



W.P.(MD)No.14342 of 2020

WEB COPY

To

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



WEB COPY



W.P.(MD)No.14342 of 2020

M.DHANDAPANI,J.

akv

W.P.(MD)No.14342 of 2020

30.01.2023