



W.P.(MD)No.14817 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14817 of 2020

and

WMP(MD)No.12472 of 2020

Madurai Aruppukkottai Nadar Uravinmurai
Girls Higher Secondary School,
Represented by its Secretary,
V.N.Sivakumar

... Petitioner

Vs.

1.The Chief Educational Officer,
Madurai – 625 002.

2.The District Educational Officer,
Madurai – 625 002.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records from the second respondent in her proceedings in Oo.Mu.No.3061/A4/2020, dated 05.10.2020 and quash the same and consequently direct the respondents to accord sanction to fill up the post of BT Assistant (Science) in the petitioner's School.



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For Petitioner : Mr.N.Sathish Babu
For Respondents : Mr.S.Saji Bino,
Special Government Pleader

ORDER

This writ petition has been filed to quash the order passed by the second respondent in Oo.Mu.No.3061/A4/2020, dated 05.10.2020 and consequently, to direct the respondents to accord sanction to fill up the post of BT Assistant (Science) in the petitioner's School.

2. The case of the petitioner is that the petitioner school is an aided non-minority school started in the year 1967. While so, one Mrs.A.Jayamathi, who was working as B.T.Assistant (Science) in the petitioner's school, relieved from service on 30.04.2019. Therefore, the above said post became vacant from 01.05.2019. According to the petitioner, as per the students strength, the petitioner school is eligible to appoint 21 B.T., Assistants. However, so far 19 posts only permitted to be filled up. Therefore, in view of the welfare of the students, the school committee resolved to fill up the above said post, by getting permission



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from the Educational Authorities. However, vide the impugned order dated 05.10.2020, the second respondent returned the proposal by quoting the interim order passed in W.A(MD)No.76 of 2019 etc., batch, dated 09.04.2019. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the impugned order is passed based on the interim order passed in W.A(MD)No.76 of 2019 etc., batch, dated 09.04.2019, stating that the Government shall not approve any appointment made by the private aided school, till the surplus teacher in the school coming under the same management are exhausted and there shall not be any fresh appointment from 09.04.2019 in private aided Schools coming under the same management are exhausted and however, finally the writ appeal was disposed of in the year 2021 and hence, there is no legal impediment for the Educational Authorities for considering the petitioner's proposal.



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4. The learned counsel for the petitioner would further submit that in view of the above, this Court may grant liberty to the petitioner to send a fresh proposal for filling up the said post and if such proposal is forwarded, the respondents may be directed to pass appropriate orders.

5. Considering the limited request made by the learned counsel for the petitioner and admittedly, the present impugned order is passed based on the interim order granted by this Court in W.A.(MD)No.76 of 2019 etc. batch, it appears that subsequently, the writ appeal itself was disposed in the year 2021 and hence, there is no legal impediment, this Court grants liberty to the petitioner to send a proposal afresh to the first respondent Chief Educational Officer, within a period of two weeks from the date of receipt of copy of this order. If any such proposal is forwarded by the petitioner, the first respondent is directed to consider the same and pass appropriate orders within a period of four weeks thereafter.



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6. With the above directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

13.02.2023

PM

NCC:Yes/No

Index:Yes/No

To

1.The Chief Educational Officer,
Madurai – 625 002.

2.The District Educational Officer,
Madurai – 625 002.



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M.DHANDAPANI,J.

pm

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