



W.P.(MD)No.15140 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15140 of 2020

and

W.M.P.(MD)No.12750 of 2020

A.Santhosamary

... Petitioner

Vs.

1.The Chief Educational Officer,
Madurai 625 002.

2.The Correspondent,
C.S.I High School,
Thirumangalam,
Madurai District.

... 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 from the first respondent in his proceedings in Na.Ka.No. 1057/A5/2020, dated 24.09.2020 and quash the same and consequently direct the first respondent to approve the appointment of the petitioner in the cadre of B.T.Assistant (Science) in the second respondent School with effect from 07.06.2018 with all monetary benefits and arrears of salary.



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For Petitioner : Mr.N.Sathish Babu
For R1 : Mr.S.Saji Bino
Special Government Pleader
For R2 : Mr.T.Antony Arul Raj

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 24.09.2020 and to quash the same and consequently direct the first respondent to approve the appointment of the petitioner in the cadre of B.T.Assistant (Science) in the second respondent School with effect from 07.06.2018 with all monetary benefits and arrears of salary.

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as B.T.Assistant (Science) in the second respondent School in the year 2018. The second respondent School is a religious minority School and recognised by the Government of Tamil Nadu. The second respondent School has forwarded a proposal to the first



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respondent for approval of the petitioner's appointment. Even after lapse of two years, the first respondent has not approved the appointment of the petitioner. Subsequently, the first respondent has rejected the same on 24.09.2020, on the ground that interim order passed by this Court dated 09.04.2019 in W.A.(MD).Nos.76, 225, 341 of 2019, 1612, 1076, 1093, 1461, 1473 and 1531 of 2018. Challenging the said impugned order, the present writ petition has been filed.

3. The leaned Special Government Pleader appearing for the first respondent would submit that the present impugned order is passed based on the interim order passed by this Court in the said writ appeals. However, subsequently, the writ appeals were disposed of on 31.03.2021. Hence, there is no impediment for the first respondent to consider the petitioner's request. Hence, this Court may issue a direction to the petitioner to approach the second respondent to send a fresh proposal for approval to the first respondent and if such proposal is forwarded by the second respondent School, the first respondent may be directed to pass appropriate orders.



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4. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

5. Considering the above said submissions, this Court directs the petitioner to approach the second respondent School to send a fresh proposal for approval to the first respondent and on receipt of the same, the first respondent is directed to consider the same and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

02.02.2023

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

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The Chief Educational Officer,
Madurai 625 002.



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M.DHANDAPANI,J.

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