



W.P(MD)No.13862 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13862 of 2023

M.Ignaci Jenetta

... Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli District.

2.The District Educational Officer,
Tirunelveli & District.

3.The Correspondent,
Child Jesus Girls' Higher Secondary School,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner as B.T Assistant with effect from 01.06.2018 with salary and all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For R-1 & R-2 : Mr.V.Om Prakash
Government Advocate

For R-3 : No appearance



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ORDER

The present writ petition has been filed by a B.T Assistant (Upgraded Secondary Grade Teacher post) of the third respondent School seeking a Mandamus as against the authorities to approve her appointment.

2. The petitioner herein was appointed as a B.T Assistant (History) (Upgraded Secondary Grade Teacher post) on 01.06.2018. The Management has sent the proposal for upgradation as well as for approval of the appointment on 17.04.2023. Since no orders have been passed for the said proposal, the present writ petition has been filed.

3. The Government has taken a policy decision that Secondary Grade Teachers would not be in a position to handle classes 6th to 8th in view of the new syllabus. Therefore, whenever permanent vacancies arise in Secondary Grade Teacher post, the said post has to be filled up only by B.T Assistants. Therefore, neither the Management nor the Educational Authorities have got any option to appoint Secondary Grade Teachers for taking classes for 6th to 8th



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standards. It is mandatory for both the School Managements as well as by the authorities to abide by the policy decision of the Government in appointing B.T Assistant Teachers for taking classes for 6th to 8th standards. In such situation, the question of seeking prior permission would not arise.

4. If the petitioner's appointment is within the sanctioned strength for the academic year 2018-2019, the respondent authorities are directed to approve the appointment with all attendant benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs.

11.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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- To
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R.VIJAYAKUMAR, J.

BTR

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