



W.P(MD)No.15233 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15233 of 2021

T.Ponmathi

... Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar District.

2.The District Educational Officer,
Aruppukkottai,
Virudhunagar District.

3.The Secretary,
SBK Higher Secondary School,
Kalloorani-626 105,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1st respondent in his proceedings in Na.Ka.No.6368/A1/2019, dated 09.07.2021 and quash the same and consequently direct the respondents to approve the promotion of the petitioner as B.T.Assistant (Science) with effect from 03.06.2019 as per the proposal submitted by the 3rd respondent, dated 03.06.2019 and confer all the consequential benefits.



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For Petitioner : Mr.V.Panneer Selvam

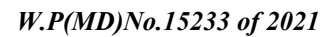
For R1 & R2 : Mr.V.Om Prakash
Government Advocate

For R3 : No Appearance

ORDER

The present writ petition has been filed by a B.T Assistant (Science) challenging the order, wherein her appointment was not approved by the authorities.

2. According to the learned counsel appearing for the writ petitioner, she was working as a Lab Assistant in the 3rd respondent school. On being qualified to be appointed as a B.T Assistant (Science), she was appointed to the said post on 03.06.2019. The appointment order was forwarded to the authorities for approval. Under the impugned order, the 1st respondent herein has rejected the approval on the ground that there are surplus teachers in the District and hence, the promotion order cannot be approved. This order is under challenge in the present writ petition.



6. The petitioner who was working as a Lab Assistant in the 3rd respondent school has been promoted as a B.T Assistant (Science) on 03.06.2019. The fact that the respondents have deployed 2 teachers in June 2023 to the 3rd respondent school would clearly indicate that the student strength is high enough in the 3rd respondent school to accommodate 2 more teachers. The petitioner's promotion in June 2019



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has been rejected. But on the other hand, 2 teachers have been redeployed from other schools to the 3rd respondent school. Therefore, the contention of the authorities that they have to verify whether there are surplus teachers or not, is not legally sustainable. That apart, the 3rd respondent school is a stand alone non-minority institution.

7. In view of the above said facts, the order impugned in the writ petition is set aside. The 1st respondent is directed to approve the promotion of the petitioner as B.T Assistant (Science) with effect from 03.06.2019 with all attendant benefits. The said order shall be passed within a period of twelve (12) weeks from the date of receipt of copy of this order.

8. With the above said observations, this Writ Petition stands allowed. No costs.

01.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The Chief Educational Offier,
Virudhunagar District.
- 2.The District Educational Officer,
Aruppukkottai,
Virudhunagar District.

R.VIJAYAKUMAR,J.



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Order made in
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