



W.P(MD)No.16452 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16452 of 2023

and

W.M.P(MD)No.13747 of 2023

A.Sumitha Gold

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

2.The District Educational Officer,
Kovilpatti, Thoothududi District.

3.The Block Educational Officer,
Vilathikulam, Thoothududi District.

4.The Correspondent,
St.Antony's Primary School,
Periasamipuram, Vilathikulam,
Thoothukudi 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 relating to the impugned proceeding issued by the 2nd respondent herein vide Na.Ka.No.22/A1/2022, dated 26.10.2022 and



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quash the same and further direct the 2nd respondent herein to approve the appointment of petitioner as Secondary Grade Teacher in the 4th respondent school w.e.f., 19.12.2016 and disburse grant-in-aid towards salary and other attendant benefits.

For Petitioner : Mr.A.Ajith Geethan
For R1 – R3 : Mr.D.Sadiq Raja
Additional Government Pleader
For R4 : Mr.S.Savari Muthu
for M/s.Father Xavier Associates

ORDER

The present writ petition has been filed by a Secondary Grade Teacher appointed to the 4th respondent school, challenging the rejection order passed by the 2nd respondent herein refusing to approve the appointment of the petitioner.

2. According to the learned counsel appearing for the writ petitioner, she was appointed on 19.12.2016 as a Secondary Grade Teacher. The school has forwarded the said appointment for approval to the 3rd respondent on 04.01.2017. Under the impugned order, dated 26.10.2022, the 2nd respondent has rejected the said approval on a general



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ground that there may be surplus teachers within the corporate management of the 4th respondent.

3. A perusal of the impugned order clearly indicates that no specific finding has been rendered by the 2nd respondent herein for rejecting the request of the 4th respondent management. The order is so vague that it cannot be sustained in the eye of law.

4. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the 2nd respondent. The 4th respondent school management is directed to obtain a certificate from the 2nd respondent there are no surplus Secondary Grade Teachers in the academic year 2016-17. After verifying the records, if the 2nd respondent is satisfied that there are no surplus teachers, he is directed to approve appointment of the writ petitioner as Secondary Grade Teacher with effect from 19.12.2016 with all attendant benefits. The District Educational Officer is directed to consider the request for such a certificate within a period of four (4) weeks from the date on which the school management approaches him.

5. With the above said observations, this Writ Petition stands



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allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.11.2023

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

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To

- 1.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.
- 2.The District Educational Officer,
Kovilpatti, Thoothududi District.
- 3.The Block Educational Officer,
Vilathikulam, Thoothududi District.

R.VIJAYAKUMAR,J.



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Order made in
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