



W.P(MD)No.18002 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18002 of 2021

and

W.M.P(MD)Nos.14875 & 14876 of 2021

J.Jemi

... Petitioner

Vs.

1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
St. Fort George, Chennai-9.

2.The Director of School Education,
College Road,
Chennai-6.

3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

5.The Correspondent,
Sarah Tucker Higher Secondary School for Girls,
Palayamkottai,
Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fifth respondent to resend the proposal by showing petitioner's appointment in the place of Chandra Jeyarani instead of Premkumar and consequently direct the respondents 3 and 4 to approve the petitioner's appointment as Office Assistant at fifth respondent School and disburse all the petitioner's service and monetary benefits from 01.02.2022.

(Prayer amended vide Court order, dated 08.12.2023 in W.M.P(MD)No.19204 of 2023 in W.P(MD)No.18002 of 2021)

For Petitioner : Mr.S.Chellapandian
For R-1 to R-4 : Mr.V.Om Prakash
Government Advocate
For R-5 : No appearance

ORDER

The present writ petition has been filed by an Office Assistant working in the fifth respondent School seeking a Mandamus as against the authorities to approve her appointment.



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2. According to the learned Counsel appearing for the petitioner, the petitioner was originally appointed as an Office Assistant on 01.08.2019. However, her appointment was not approved by the authorities by an order, dated 31.08.2021 on the ground that already there are two Office Assistants and the appointment of the petitioner would be surplus in nature.

3. According to the learned Counsel appearing for the petitioner, one of the Office Assistants, namely, Chandra Jeya Rani, had attained superannuation on 31.01.2022. Therefore, a vacancy arose within the sanctioned strength from 01.02.2022 onwards. Hence, she has filed an application seeking to amend the prayer for a Mandamus to direct the authorities to approve the appointment from 01.02.2022 onwards.

4. Admittedly, on the date of appointment, the post was surplus. However, due to the arising of vacancy (i.e.,) from 01.02.2022 onwards, the surplus has been erased and any appointment after 01.02.2022 could never be considered to be surplus. Therefore, in view of the above said facts, the fifth respondent School is directed to resubmit the proposal of the appointment of the writ petitioner to the third respondent through the fourth respondent. On



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receipt of the same, the third respondent is directed to approve the appointment of the petitioner from 01.02.2022 onwards and confer monetary benefits only from the date of approval. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above said direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

08.12.2023

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

To

- 1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
St. Fort George, Chennai-9.
- 2.The Director of School Education,
College Road,
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- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The District Educational Officer,
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Tirunelveli.
- 5.The Correspondent,
Sarah Tucker Higher Secondary School for Girls,
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R.VIJAYAKUMAR, J.

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