



W.P(MD)No.17634 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.17634 of 2023

P.Selvabharathi

... Petitioner

Vs.

- 1.The State to Government,
Education Department,
State of Tamil Nadu,
St. Fort George, Chennai-9.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai-6.
- 3.The Chief Educational Officer,
Tenkasi,
Tenkasi District.
- 4.The District Educational Officer,
Tenkasi District,
Tenkasi.
- 5.The Correspondent,
Baren Bruck Higher Secondary School,
Bangalow Surandai,
V.K.Pudur (Taluk),
Tenkasi District.



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6.The Manager,
TDTA High & Higher Secondary Schools,
CSI Diocesan Office,
St. John's College Hostel Campus,
North High Ground Road,
Palayamkottai, Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records in respect of order passed by the fourth respondent in Athi.Mu.No. 315/அ3/2022, dated 19.04.2022 and quash the same and consequently direct the third and fourth respondents to approve the appointment of the petitioner's from 28.07.2021 and further direct the respondents to disburse all service and monetary benefits to the petitioner.

For Petitioner : Mr.S.Chellapandian
For R-1 to R-4 : Mr.V.Om Prakash
Government Advocate
For R-5 : Mr.Alwin Balan

ORDER

The present writ petition has been filed by an aspirant to the post of Junior Assistant in the sixth respondent School seeking to quash the order passed by the fourth respondent herein, wherein her appointment was returned without being approved.



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2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as a Junior Assistant on 28.07.2021 in the vacancy of one Nallasamy Jeyasekar, who was promoted to the post of B.T Assistant (Science) on 27.07.2021. Since the appointment of Nallasamy Jeyasekar was not approved, he had approached this Court in W.P(MD)No.17421 of 2023 to approve his appointment. This Court by an order, dated 26.09.2023 has directed the authorities to approve the appointment of Nallasamy Jeyasekar without insisting on TET, within a period of twelve weeks from the date of receipt of a copy of the order. The said period of twelve weeks is yet to expire. In the said circumstances, the present writ petition is taken up for consideration.

3. Only if the appointment of Nallasamy Jeyasekar as a B.T Assistant Teacher is approved by the authorities with effect from 27.07.2021, a vacancy in the post of Junior Assistant will get created and the writ petitioner's appointment could be approved from 28.07.2021.

4. In view of the above said facts, the respondents herein are directed to approve the appointment of the writ petitioner as Junior Assistant with effect from 28.07.2021, if she is otherwise qualified on the approval being granted to



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Nallasamy Jeyasekar as per the order of this Court in W.P(MD)No.17421 of 2023, dated 26.09.2023.

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

06.12.2023

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

To

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R.VIJAYAKUMAR, J.

BTR

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