



W.P.(MD).No.19984 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19984 of 2022

P.Sangeetha

... Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
St. George Fort,
Chennai – 600 009.
 2. The Commissioner of Secondary Education,
DPI Campus, College Road,
Chennai – 600 006.
 3. The Joint Director of School Education (Personnel)
Chennai – 600 009.
 4. The Chief Educational Officer,
Tenkasi District, Tenkasi.
 5. The District Educational Officer,
District Educational Office,
Sankarankoil,
Tenkasi District – 627 756.
 7. The Secretary,
Sengunthar High School,
Subbulapuram Post,
Sankarankoil Taluk,
Tenkasi District – 627 753.
- ... 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 respondents 1 to 5 to approve the appointment of the petitioner namely P.Sangeetha in the post of Graduate Assistant (English) in the sixth respondent school from the date of her appointment on 12.04.2019 based on the sixth respondent proposal dated 29.04.2019 with all consequential and attendant benefits including the payment of salary from the date of appointment along with interest within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Sathiamoorthy

For Respondents : Mr.V.Om Prakash
Government Advocate
for R1 to R5

: No appearance - for R6

ORDER

The present writ petition has been filed by a B.T Assistant (English Teacher) who was appointed to the sixth respondent school seeking approval of her appointment.

2. Admittedly, the sixth respondent School is a Non-Minority Stand Alone Aided Institution. In the said School, a Secondary Grade Teacher



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namely, K.Rajan, was promoted as P.G Assistant on 01.09.2008 and a vacancy arose. For filling up the said vacancy through a B.T. Assistant Teacher, the School sought for permission from the fourth respondent herein. The fourth respondent, by his order, dated 23.03.2018 granted permission to the school with a condition that B.T.Assistant (English Teacher) should be appointed to the said vacancy.

3. In compliance with the directions of the fourth respondent herein, the petitioner was appointed as B.T.Assistant (English) on 12.04.2019. The school has forwarded the proposal to the fifth respondent on 29.04.2019. However, it was returned citing certain defects by the fifth respondent and the school re-submitted the same on 31.08.2020. The fifth respondent has chosen to return the same on 01.07.2021 citing certain queries that was raised by the fourth respondent herein. Thereafter, the school has again re-submitted the application to the fourth respondent on 30.07.2021. Thereafter, neither the fourth respondent nor the fifth respondent has passed any orders, on the said proposal. Hence, the present writ petition has been filed.

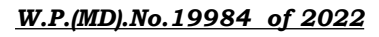


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4. It could be seen from the records, that all the queries raised by the authorities are relating to the appointment relying upon G.O.(Ms) No.165, School Education Department, dated 17.09.2019. However, in the present case, the appointment has been made after obtaining prior permission from the fourth respondent herein. Therefore, neither the fourth respondent nor the fifth respondent has got any jurisdiction whatsoever to return or reject the said proposal submitted by the school. The respondents 4 and 5 herein have been returned the papers on three occasions citing frivolous reasons, especially, after the fourth respondent has granted prior approval for filling up the said post.

5. In view of the said position of law, this Court directs the respondents 4 and 5 to approve the appointment of the writ petitioner as B.T.Assistant (English) from 12.04.2019 onwards with all attendant benefits within a period of twelve weeks from the date of receipt of a copy of this order.



There shall be no order as to costs.

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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2. The Commissioner of Secondary Education,
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Chennai – 600 006.
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