



W.P.(MD)No.7706 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7706 of 2018

and

W.M.P.(MD).No.7319 and 7320 of 2018

S.Joys Rani

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai -9.
- 2.The Director of School Education,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.



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WEB CONTENT

5. Concordia Higher Secondary School,
represented by its Correspondent,
Potteti,
Theruvukadai Post 629 157,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 4th respondent pertaining to its proceedings bearing Oo.Mu.No.3975/A2/2017 dated 25.10.2017 and to quash the same and consequently direct the 4th respondent to approve the appointment of the petitioner as P.G.Assistant (History) with effect from the date of her appointment that is on 08.06.2017, by considering the proposal resubmitted by the 5th respondent dated 26.02.2018 and to grant all service and monetary benefits without insisting no objection certificate from the 3rd respondent.

For Petitioner	:	Mr.S.C.Herold Singh
For R1 to R4	:	Mr.J.Ashok
		Additional Government Pleader



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ORDER

This writ petition has been filed challenging the proceedings of the fourth respondent dated 25.10.2017 and to quash the same and consequently direct the 4th respondent to approve the appointment of the petitioner as P.G.Assistant (History) with effect from the date of her appointment ie., on 08.06.2017, by considering the proposal resubmitted by the 5th respondent dated 26.02.2018 and to grant all service and monetary benefits without insisting no objection certificate from the 3rd respondent.

2. The learned counsel appearing for the petitioner would submit that the fifth respondent School is a minority institution and the petitioner was appointed as P.G.Assistant (History) in the fifth respondent School in the year 2017, due to retirement of one A.Ulthal, who was working as P.G.Assistant (History). Thereafter, the fifth respondent School sent a proposal to the fourth respondent for approval of her appointment. But the said proposal was returned by the fourth respondent on 25.10.2017, stating that the fifth respondent has not annexed the staff fixation order for the year



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2017 – 2018. However, rectifying the same, the fifth respondent has sent a fresh proposal to the fourth respondent on 26.02.2018 and the same was not considered. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that in respect of minority institution, there is no need for getting prior permission from the Chief Educational Officer. However, the staff fixation order was enclosed along with the fresh proposal dated 26.02.2018. Hence, this Court may issue a direction to the fourth respondent to consider the fresh proposal submitted by the fifth respondent School on 26.02.2018, without referring to the impugned order in this writ petition.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

5. Considering the above said submission, this Court, without expressing any opinion on the merits of the matter, directs the fourth respondent to consider the fresh proposal submitted by the fifth respondent



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School dated 26.02.2018 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

14.02.2023

NCC: Yes/No
Index : Yes / No
Speaking Order : Yes / No

akv

To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai -9.
- 2.The Director of School Education,
College Road,
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- 3.The Chief Educational Officer,
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