



W.P(MD)No.19686 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19686 of 2023

and

W.M.P(MD)No.16270 of 2023

Anitha

... Petitioner

Vs.

1.The Secretary to the Government,
Department of School Education,
St. George Fort,
Chennai.

2.The Director of School Education,
DPI Compound,
College Road,
Chennai.

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

4.The District Educational Officer,
Tenkasi,
Tenkasi District.

5.The Manager,
St. Antony's Girls Higher Secondary School,
Veerakaralampudur,
Tenkasi District.

... Respondents



W.P(MD)No.19686 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 and 4 to approve the appointment proposal, dated 13.05.2022 sent by the fifth respondent without insisting TET qualification and disburse all the service and monetary benefits from the date of the appointment (i.e., 01.08.2019).

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 a B.T Assistant Teacher seeking a Mandamus as against the fourth respondent to approve her appointment.

2. The petitioner was appointed as a B.T Assistant (English) Teacher in the fifth respondent School on 01.08.2019. The proposal for approval was sent by the Management to the fourth respondent on 01.08.2019 itself. However, the same was rejected on 22.10.2019 citing G.O(Ms)No.165 of the School Education [Tho.ka.2(1)] Department, dated 17.09.2019. The said order was



W.P(MD)No.19686 of 2023

challenged by the writ petitioner in W.P(MD)No.24916 of 2019 and the same was allowed on 25.11.2019. Challenging the same, the State had filed W.A(MD)No.849 of 2021. The Hon'ble Division Bench, by its order, dated 20.04.2021 has passed the following order:

"6. For the above reasons, the writ appeal is allowed, impugned order is set aside and the second respondent Management is directed to submit appropriate proposal to the fourth appellant within a period of two (2) weeks from the date of receipt of a copy of this order and the fourth appellant on receiving the same, shall consider and place appropriate proposal before the third appellant and the third appellant taking note of the decision and the judgment quoted above, shall examine the staff fixation and pass appropriate orders within a period of four (4) weeks thereafter."

3. Despite the orders of the Hon'ble Division Bench of this Court, the fourth respondent herein has not chosen to pass any orders for the past 2 1/2 years. Hence, the present writ petition.

4. Admittedly, the fifth respondent School is a stand alone minority Institution. Whenever an appointment is made as per the staff fixation order for the relevant academic year, the authorities are duty bound to approve the said



W.P(MD)No.19686 of 2023

appointment, if the candidate is otherwise qualified. They cannot keep it pending for a number of years, especially after a specific direction by the Hon'ble Division Bench on 20.04.2021.

5. In view of the above said facts, the fourth respondent herein is directed to approve the appointment of the writ petitioner as B.T Assistant (English) with effect from 01.08.2019, if the concerned Teacher has been appointed within the sanctioned strength as per the staff fixation order of the academic year 2019-2020.

6. With the above said direction, this writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

06.12.2023

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



W.P(MD)No.19686 of 2023

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- To
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W.P(MD)No.19686 of 2023

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.19686 of 2023

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