



W.P(MD)No.19847 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19847 of 2023

The Correspondent,
S.M.Carder Meera Saibo Hr.Sec School,
Pettaikulam-627 654,
Thisaiyanvilai Taluk,
Tirunelveli District.

... Petitioner

Vs.

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

2.The District Educational Officer,
O/o. Tirunelveli District Educational Officer,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned rejection order passed vide his proceedings in O.Mu.No. 2499/A2/2023, dated 01.08.2023 and quash the same as illegal and arbitrary and consequently directing the 2nd respondent to grant approval of appointment for Mrs.S.Devika in the post of B.T.Assistant (History) and pay the salary and all arrears of salary from the date of her initial



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appointment i.e, on 01.03.2023 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar

For Respondents : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a school management, challenging the order passed by the 2nd respondent herein, wherein the appointment order of one S.Devika as B.T Assistant (History) was rejected on the ground that there are surplus teachers in the school.

2. Admittedly, the petitioner is a minority aided stand alone school. The order impugned in the writ petition has been passed on 01.08.2023 relying upon the staff fixation order, which says that the school is entitled to appoint only 3 Secondary Grade Teachers (upgraded as B.T Assistant teachers). The order further points out one Secondary Grade Teacher post (upgraded as B.T Assistant) is surplus.

3. Pending writ petition, the 1st respondent herein has passed an order on 21.11.2023 refixing the staff strength of the petitioner School.



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In the said refixation order, the staff strength with regard to Secondary Grade Teacher has been fixed as 4 for the academic year 2022-2023 and 2023-24. Therefore, as on today, the appointment of S.Devika falls within the staff fixation order.

4. In view of the above said subsequent events, the order impugned in the writ petition is set aside. The 1st respondent is directed to approve the appointment of S.Devika as B.T Assistant (History) with effect from 01.03.2023 with all attendant benefits. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

5. With the said observations, this Writ Petition stands disposed of.

No costs.

06.12.2023

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

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 - 2.The District Educational Officer,
O/o. Tirunelveli District Educational Officer,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.19847 of 2023

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