



W.P(MD)No.22440 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22440 of 2022

and

W.M.P(MD)Nos.16642 & 16643 of 2022

J.Jones Mary

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai-09.
- 2.The Director of Elementary Education,
College Road, Chennai-06.
- 3.The Chief Educational Officer,
Tenkasi District, Tenkasi.
- 4.The District Educational Officer,
Tenkasi District at Tenkasi.
- 5.The Block Educational Officer,
Tenkasi, Tenkasi District.
- 6.The Correspondent,
RC Primary School, Tenkasi,
Tenkasi District-627 811.

... 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 Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 5th respondent Block Educational Officer, Tenkasi in Na.Ka.No. 1959/A2/2021, dated 26.07.2022, quash the same and further direct the respondents to approve the appointment of petitioner as Secondary Grade Teacher in the 6th respondent School namely, RC Primary School, Tenkasi, Tenkasi District w.e.f., 10.02.2020, and disburse grant-in-aid towards her salary and other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini

For R1 - R5 : Mr.D.Sadiq Raja
Additional Government Pleader

For R6 : No appearance

ORDER

The present writ petition has been filed by a Secondary Grade Teacher appointed in the 6th respondent school seeking to quash the order passed by the 5th respondent herein wherein the approval of her appointment has been rejected.

2. A perusal of the impugned order, dated 26.07.2022 reveals that the school management has been directed to produce a certificate from the 4th respondent herein to the effect that there are no surplus Secondary



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Grade Teacher in the corporate management in the academic year 2020-21 and 2021-22. The petitioner having been appointed on 10.02.2020, the relevant academic year for deciding the surplus teachers is 2019-20. A perusal of the staff fixation order for the 6th respondent school indicates that there are no surplus teachers. However, being a corporate management, it has to be ascertained whether there are any surplus teachers within the corporate management in the academic year 2019-20.

3. In view of the above said facts, the order impugned in the writ petition is set aside. The 6th respondent management is directed to approach the 4th respondent herein for obtaining certificate to the effect that there are no surplus Secondary Grade Teacher within the corporate management in the academic year 2019-20. After verifying the records, if the 4th respondent is satisfied that there are no surplus teachers in the academic year 2019-20, he is directed to approve the appointment of the petitioner with effect from 10.02.2020 as Secondary Grade Teacher with all attendant benefits within a period of eight (8) weeks thereafter.



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4. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.11.2023

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

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To

- 1.The Secretary,
The State of Tamil Nadu
Department of School Education,
Fort St.George, Chennai-09.
- 2.The Director of Elementary Education,
College Road, Chennai-06.
- 3.The Chief Educational Officer,
Tenkasi District, Tenkasi.
- 4.The District Educational Officer,
Tenkasi, Tenkasi District.
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RC Primary School, Tenkasi,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.22440 of 2022

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