



W.P.(MD).No.20600 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20600 of 2023

and

W.M.P(MD) No.17012 of 2023

The Secretary,
T.N.Pudukudi Hindu Nadar Uravinmurai
Higher Secondary School,
T.N.Pudukudi, Puliangudi,
Tenkasi District.

... Petitioner

Vs.

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

2. The District Educational Officer (Secondary),
Tenkasi, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in O.Mu.No.3400/A1/2023, dated 07.08.2023 of the second respondent herein and quash the same and consequently direct the respondents 1 and 2 herein to approve the appointment of Mr.R.Suvendar as B.T.Assistant (History) in the petitioner's



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School w.e.f. 09.09.2019 with all consequential monetary benefits.

For Petitioner : Mr.T.Pon Ramkumar

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

ORDER

The present writ petition has been filed by the Management of Non-Minority Aided School challenging an order, under which, the appointment of B.T.Assistant Teacher was rejected on the ground that the pendency of Special Leave Petition as against the order passed by this Court in W.A.(MD) No. 76 of 2019.

2. According to the learned counsel appearing for the writ petitioner, the School Management had approached the Educational Authorities seeking prior permission to appoint a B.T.Assistant (History). By an order, dated 02.07.2019, the first respondent herein granted permission to the petitioner's Management to appoint a B.T.Assistant Teacher on the ground that there are no surplus teachers and they are having sanctioned vacancies. However, when the proposal was forwarded to the concerned authority for approval, the same was rejected on the ground that Special Leave Petition is pending as against



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the order passed by this Court in W.A.(MD) No.76 of 2019.

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3. In the present case, having granted prior permission to the School Management to fill up the said vacancy on the ground that there are no surplus teachers, the authorities cannot turn around and contend that they will not approve the appointment. That apart, the pendency of Special Leave Petition as against the order passed by this Court in W.A.(MD) No.76 of 2019 has no relevance whatsoever in the present case, in view of the fact that it is a Non-Minority, Aided, stand alone School.

4. In view of the above said facts, the order impugned in the writ petition is set aside and the respondents herein are directed to approve the appointment of R.Suvendar as B.T. Assistant (History) in the petitioner's School with effect from 09.09.2019 with all attendant benefits. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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

1. The Chief Educational Officer,
Tenkasi,
Tenkasi District.
2. The District Educational Officer (Secondary),
Tenkasi, Tenkasi District.



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R.VIJAYAKUMAR,J.

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