



W.P(MD)No.22862 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22862 of 2022

Kalaimagal Higher Secondary School,
S.Ramachadapuram,
Virudhunagar District – 626 126,
Through its Secretary.

... Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar.

2.The District Educational Officer,
Sivakasi,
Virudhunagar 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 entire records in connection with the impugned order passed by the 1st respondent in Mu.Mu.No.6196/Aa3/2021 dated 07.02.2022 and quash the same and directing the respondents to grant prior permission to fill up the vacant post of Office Assistant in the petitioner school namely Kalaimagal Higher Secondary School,



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S.Ramachandrapuram, Virudhunagar District-626 126 as per the proposal submitted by the petitioner school dated 21.06.2021.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.A vacancy arose in the post of Office Assistant. The petitioner moved the respondents seeking prior permission to fill up the said vacancy. The permission was rejected by citing G.O.(Ms) No.238, School Education Department, dated 13.11.2018. Challenging the said order, the present writ petition has been filed.

3.Though G.O.(Ms) No.238, dated 13.11.2018 has been upheld by me, it appears that the petitioner is having requisite students' strength and that they can very fill up the vacancy in the post of Office Assistant.



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There is only one impediment. There is district surplus of Office Assistant. Therefore, the department has only two courses of action before it. (a) Fill up the vacancy in the petitioner / school by deploying an Office Assistant who is rendered as surplus. (b) Permit the petitioner to fill up the said vacancy. The department cannot simply keep quiet. I, therefore, direct the respondents to deploy any surplus Office Assistant in the vacancy in the petitioner / school within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also directed to send a formal application in this regard to the competent authority within a period of ten days from the date of receipt of a copy of this order.

4.The writ petition is disposed of accordingly. No costs.

20.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

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Virudhunagar.
- 2.The District Educational Officer,
Sivakasi,
Virudhunagar District.

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