



W.P.(MD).No.23006 of 2022

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.23006 of 2022

and

W.M.P(MD) No.17123 of 2022

A.K.M.Hanifa Umma,
B.T.Assistant (Tamil)
The Muslim Higher Secondary School,
Melapalayam,
Tirunelveli District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
2. The District Educational Officer,
Tirunelveli,
Tirunelveli District.
3. The Secretary and Correspondent,
The Muslim Higher Secondary School,
Melapalayam,
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, calling for the



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records relating to the impugned order in O.Mu.No.4775/A4/2021, dated 03.02.2022 of the second respondent herein and quash the same and consequently direct the respondents 1 and 2 herein to approve the appointment of petitioner as a B.T. Assistant (Tamil) w.e.f 01.12.2020 with all other attendant benefits.

For Petitioner : Mr.T.Pon Ramkumar
For Respondents : Mr.N.GA.Natraj
Government Advocate
for R1 and R2
: No appearance – for R3

ORDER

The present writ petition has been filed by a B.T.Assistant Teacher (Tamil), challenging the order passed by the second respondent, wherein her appointment was not approved by the educational authorities.

2. According to the learned counsel appearing for the writ petitioner, the petitioner's School is a Minority Aided stand alone Institution. The school has appointed the writ petitioner as B.T.Assistant (Tamil) on 01.12.2020. When the proposal was sent to the authorities for approval under the impugned order, they have rejected the same on the ground that the Special



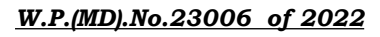
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Leave Petition is pending before the Hon'ble Supreme Court challenging the order made in W.A(MD) No.79 of 2019, and no other ground has been cited in the impugned order for rejection of the approval.

3. In view of the above said facts, the School being a Minority Institution and the petitioner has been appointed within sanctioned strength of three B.T.Assistant Teachers (Tamil), and as per the staff fixation order for the academic year 2019 – 2020, the authorities cannot cite pendency of the S.L.P as against the order of this Court in W.A.(MD) No.76 of 2019.

4. In view of the above said facts, the order impugned in the writ petition is set aside and the second respondent herein is directed to approve the appointment of the writ petitioner w.e.f 01.12.2020 as the B.T. Assistant (Tamil) 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.



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

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
2. The District Educational Officer,
Tirunelveli,
Tirunelveli District.



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R.VIJAYAKUMAR,J.

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