



W.P.(MD).No.20851 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20851 of 2023

and

W.M.P(MD) No.17268 of 2023

V.Lalitha

... Petitioner

Vs.

1. The District Educational Officer (Elementary)
Tirunelveli District.

2. The Block Educational Officer,
Palayamkottai Rural,
Tirunelveli District.

3. The Correspondent,
T.D.T.A Middle School,
Kongandanparai,
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 records pertaining to the order passed by the first respondent in his proceedings in O.Mu.No.2023/A1/2021, dated 25.06.2021 and quash the same and consequently direct the respondents to approve the appointment of the petitioner as B.T.Assistant with effect from 07.04.2017 with salary and all consequential benefits.



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For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.V.Om Prakash
Government Advocate
for R1 and R2
: No appearance – for R3

ORDER

The present writ petition has been filed by a B.T. Assistant (Science Teacher) challenging the order passed by the first respondent herein, wherein, the petitioner's appointment was not approved on the ground that there are surplus teachers in other Aided Schools.

2. According to the learned counsel appearing for the petitioner, the petitioner was appointed as B.T.Assistant (Science), on 07.04.2017 in the sanctioned post and when the Management forwarded the appointment for approval, the authorities have erroneously rejected the same citing the availability of surplus teachers in other Aided Schools. Hence, the present writ petition.

3. The learned Government Advocate appearing for the respondents 1 and 2 submits that there are surplus teachers in the third respondent



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Management and therefore, the appointment of the writ petitioner was not approved.

4. In view of the above said facts, this Court is inclined to pass the following orders:

(i) The order impugned in the writ petition is set aside and the matter is remitted back to the file of the first respondent herein;

(ii) The third respondent Management is directed to approach the first respondent with all the records to establish the fact that there are no surplus B.T.Assistant Teacher (Science) within the Corporate Management in the academic year 2016-2017 within a period of two weeks from the date of receipt of a copy of this order; and

(iii) In case, if the first respondent finds that there are no surplus teachers, he is directed to proceed further and approve the appointment of the writ petitioner with effect from 07.04.2017.



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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 District Educational Officer (Elementary)
Tirunelveli District.
2. The Block Educational Officer,
Palayamkottai Rural,
Tirunelveli District.



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