



W.P(MD)No.21659 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.21659 of 2023

A.Irin Hepsi Kiruba

...Petitioner

Vs.

1.The Chief Educational Officer,
officer of the Chief Educational Office,
Tirunelveli District,
Tirunelveli.

2.The District Elementary Educational Officer,
Office of the District Elementary Educational Office,
Valliyoor,
Tirunelveli District.

3. The Block Educational Officer,
Valliyoor Block,
Valliyoor,
Thirunelveli District.

4.The Correspondent,
TDTA Middle School,
Palayamkottai Town and Taluk,
Tirunelveli District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



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praying this Court to issue a Writ of Mandamus directing the respondents herein to approve her appointment as a B.T. Assistant from the date of her initial appointment i.e., from 06.09.2017 till the date with salary and other monetary benefits payable to her by considering the proposal submitted by the 4th respondent, dated 01.07.2023.

For Petitioner : Mr.P. Deepak

For respondents : Mr.N. Ramesh Arumugam

Government Advocate

ORDER

This Writ Petition has been filed for issuing a direction to the respondents herein to approve her appointment as a B.T. Assistant from the date of her initial appointment i.e., from 06.09.2017 till the date with salary and other monetary benefits payable to her by considering the proposal submitted by the 4th respondent, dated 01.07.2023.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3. Considering the limited scope of prayer, notice to the 4th respondent is



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dispensed with.

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3. The petitioner was appointed as B.T. Assistant on 05.09.2017 by the 4th respondent school in an approved vacancy which arose as the transfer of one Teacher viz., D. Jaya, on her request on 31.07.2017. After her appointment, the fourth respondent sought for the approval of petitioner's appointment as B.T. Assistant (Science) by sending a proposal to the 2nd respondent on 15.09.2017. However, the same was returned by the 2nd respondent stating that only after filling up surplus teachers, who are working as excess teachers in the needy school, the said proposal could be considered. However, after following the necessary formalities, the petitioner made a representation to the second respondent on 21.02.2018 seeking approval of her appointment. The said representation was also returned with the same reasoning mentioned in her earlier request for approval by her letters, dated 25.04.2018 and 01.06.2018. In the meanwhile, one of the teachers working as Secondary Grade Teacher viz., Samuvel Dharmaraj has sought for approval of his appointment as Secondary Grade Teacher in the TDTA Middle School at Thangammalpuram in similar lines and this Court in WP(MD).No.27111 of 2019, directed the respondents to approve his appointment. While so,



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on 15.04.2023, the Management of the 4th respondent school has sent a proposal to the respondents 1 and 3 to approve the appointment of petitioner on 01.07.2023 and the same has been acknowledged by the respondents. However, the same is kept pending without consideration.

4. On perusal of the records it shows that the petitioner has been appointed in the sanctioned post and hence, she is entitled for approval from the date of his appointment. Therefore, this Court hereby direct the respondents concerned to consider the proposal, dated 01.07.2023, which has been submitted by the 4th respondent for the purpose of approving the petitioner's appointment, in the light of the order passed by this Court in W.P(MD).No.27111 of 2019, dated 20.12.2019, within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of.

No costs.

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Index : Yes / No
Internet : Yes/ No
trp



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L.VICTORIA GOWRI, J.,

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