



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2023

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.1724 of 2016
and
W.M.P. (MD) No.1497 of 2016

The Correspondent,
R.C. Primary School,
Poolangudi - 623 525,
Ramanathapuram District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The District Elementary Educational Officer,
Sivagangai - 630 561,
Sivagangai District.

4.The Additional Assistant Educational Officer,
Ilayankudi - 630 702,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of **Writ of Certiorarified Mandamus**, calling for the records relating to the impugned proceedings issued by the 4th respondent Additional Assistant Elementary Educational Officer in Na.Ka.No.620/A1/15 dated 28.10.2015, quash the same and further direct the 3rd respondent District Elementary Educational Officer to approve forthwith the appointment of S.Robert as Secondary Grade teacher by way of transfer in the petitioner's school with effect from 02.06.2015 and disburse the grant-in aid towards his salary and allowance with effect from the said date.



For Petitioner : Mr.K.Ragatheesh Kumar
for Isaac chambers

For Respondent : Mr.V.Omprakash,
Government Advocate for R-1 to R-3

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ORDER

Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the official respondents submitted that, pending writ petition, the respondents have granted approval of appointment to the teacher, namely Robert, who was appointed in the retirement vacancy.

2. The only objection that was raised is that the said teacher Robert has not obtained 90 marks in the TET examination. Subsequently the respondents have granted relaxation of marks and based on the said relaxation the petitioner is benefited and has passed the TET examination. Based on the same, the respondents have granted approval and nothing survives for adjudication.

3. It is seen from the records that the said school is running with two teachers with 23 students. In the staff fixation order for the year 2013-2014, it is shown that in 1st standard only five students are studying, 2nd standard four students, 3rd standard two students, 4th standard five students and 5th standard seven students. The official respondents may take steps to merge the school with some other school and also deploy the surplus teachers to the needy place. The respondents are directed to pass orders to deploy or transfer all surplus teachers in the Ramanathapuram District, so that the government is not incurring any loss.

4. With these observations and directions, this Writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(R)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)



To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2. The Director of School Education,
College Road, Chennai - 600 006.

3. The District Elementary Educational Officer,
Sivagangai - 630 561,
Sivagangai District.

4. The Additional Assistant Educational Officer,
Ilayankudi - 630 702,
Sivagangai District.

+1 CC to M/s. ISAAC CHAMBERS, Advocate (SR-19148[F] dated
03/04/2023)

+1 CC to M/s. SPL.GP (SR-19327[F] dated 03/04/2023)

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31.03.2023

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