



W.P(MD)No.22094 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22094 of 2023

and

W.M.P(MD)No.18416 of 2023

A.John

... Petitioner

Vs.

1.The District Educational Officer,
Valliyur, Tirunelveli District.

2.The Block Educational Officer,
Kalakadu, Tirunelveli District.

3.The Correspondent,
TDTA Middle School,
Keelasadayamankulam, Melasadayamankulam (PO),
Moondradippu (via), Tirunelveli District-627 152.

4. The Chief Educational Officer,
Tirunelveli District.

... Respondents

(R4 is suo motu impleaded by this Court on 27.11.2023)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceeding issued by the 2nd respondent Block Educational Officer in O.Mu.No.178/a2/2019 dated --.



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08.2020, quash the same and further direct the respondents herein to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the 3rd respondent school namely, TDTA Middle School, Keelasadayamankulam, w.e.f. 05.10.2017 and disburse the grant - in - aid towards his salary and allowances w.e.f., the said date with all attendant benefits.

For Petitioner : M/s.A.Amala

For R1 – R2,R4 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Court Suo Motu impleads the Chief Educational Officer, Tirunelveli District as 4th respondent in this writ petition. Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the impleaded 4th respondent.

2. The present writ petition has been filed by a Secondary Grade Teacher challenging an order passed by the 2nd respondent herein wherein approval for his appointment was rejected.

3. According to the learned counsel appearing for the writ



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petitioner, the petitioner was appointed as a Secondary Grade Teacher on 05.10.2017 and the school has forwarded the proposal to the 2nd respondent herein on 26.02.2019. Under the impugned order, dated 22.08.2020, the same has been returned on the ground that the school management has not produced an order from the 4th respondent that there are no surplus within the corporate management. The order has not mentioned whether there are any surplus teachers in the corporate management or not.

4. In view of the above said facts, the order impugned in the writ petition is set aside. The 3rd respondent management is directed to approach the 1st respondent herein for obtaining a certificate to the effect that there are no surplus Secondary Grade Teacher within the corporate management in the academic year 2017-2018.

5. After verifying the records, if the 1st respondent is satisfied that there are no surplus teachers, he is directed to approve the appointment of the writ petitioner from 05.10.2017 as Secondary Grade Teacher with all attendant benefits within a period of four (4) weeks thereafter.



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6. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The District Educational Officer,
Valliyur, Tirunelveli District.
- 2.The Block Educational Officer,
Kalakadu, Tirunelveli District.
- 3.The Correspondent,
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4. The Chief Educational Officer,
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R.VIJAYAKUMAR,J.

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