



W.P(MD)No.22097 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22097 of 2023

and

W.M.P(MD)No.18419 of 2023

S.Falin Saronis

... Petitioner

Vs.

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

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

3.The Correspondent,
TDTA Middle School,
Meenavankulam, Kallikulam Post,
Kalakadu, Tirunelveli Districty-627 502.

... Respondents

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 1st respondent District Education Officer (Earlier District Elementary Educational Officer) in Na.Ka.No.4509/a5/2017, dated 23.11.2014 (received on 10.01.2018), 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



W.P(MD)No.22097 of 2023

Primary School, Meenavankulam, 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 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The present writ petition has been filed by a Secondary Grade Teacher challenging an order passed by the 1st respondent herein wherein her approval was rejected on the ground that surplus teachers are available in the corporate management.

2. In the impugned order, the school management has been directed to produce the staff fixation order for the academic year 2014-15, 2015-16 and 2016-17. It is pertinent to point out that the petitioner was appointed on 05.10.2017 and therefore, the staff fixation order for the year 2017-18 alone is relevant. Even while considering the surplus teachers, it has to be verified whether there are any surplus teachers in the corporate management in the academic year 2017-18 alone. The rest of the academic years are irrelevant.



W.P(MD)No.22097 of 2023

3. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the 1st respondent to verify whether there are any surplus Secondary Grade Teacher in the corporate management in the academic year 2017-18. If he finds that there are no surplus Secondary Grade Teacher, the 1st respondent is directed to pass orders approving the appointment of the writ petitioner with all attendant benefits within a period of eight (8) weeks from the date of receipt of copy of this order.

4. 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
gbg
To

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

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



WEB COPY



W.P(MD)No.22097 of 2023

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.22097 of 2023

Dated:
27.11.2023