



W.P.(MD).No.25619 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 15.11.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.25619 of 2022

and

W.M.P(MD) No.19709 and 19711 of 2022

M.Fazul Ashab  
B.T.Assistant (Science)  
The Muslim Higher Secondary School,  
Melapalayam,  
Tirunelveli District.

... Petitioner

Vs.

1. The Chief Educational Officer,  
Tirunelveli,  
Tirunelveli District.
2. The District Educational Officer (Secondary),  
Tirunelveli,  
Tirunelveli District.
3. The Secretary and Correspondent,  
The Muslim Higher Secondary School,  
Melapalayam,  
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



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records relating to the impugned order in O.Mu.No.1019/A4/2021, dated 01.02.2022 of the first respondent herein and quash the same and consequently direct the respondents 1 and 2 herein to approve the appointment of petitioner as a B.T. Assistant (Science) w.e.f 01.06.2018 with all other attendant benefits.

For Petitioner : Mr.T.Pon Ramkumar  
For Respondents : Mr.N.GA.Natraj  
Government Advocate  
for R1 and R2  
: No appearance – for R3

### **ORDER**

The present writ petition has been filed by a B.T.Assistant Teacher (Science), challenging an order passed by the first respondent, wherein, his appointment was not approved.

2. According to the learned counsel appearing for the writ petitioner, the petitioner's School is a Minority Aided stand alone School. As per the staff fixation order for the academic year 2018 – 2019, the petitioner's School is entitled to have 8 (eight) B.T.Assistant Teachers. The petitioner herein was appointed within the said eight vacancies on 01.06.2018. When the proposal



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was sent for approval, the authorities have rejected the same citing the pendency of Special Leave Petition as against the orders of this Court in W.A. (MD) No.76 of 2019.

3. The petitioner School being a stand alone School and a Minority Institution, the Special Leave Petition pending before the Honourable Supreme Court is having no connection whatsoever for the approval of the writ petitioner as a B.T. Assistant, especially, when the appointment has been made within the sanctioned staff strength.

4. In view of the above said facts, the order impugned in the writ petition is set aside and the respondents 1 and 2 herein are directed to approve the appointment of the writ petitioner as B.T.Assistant (Science) with effect from 01.06.2018 with all attendant benefits. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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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 Petitions stand closed.

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

To

1. The Chief Educational Officer,  
Tirunelveli,  
Tirunelveli District.
2. The District Educational Officer (Secondary),  
Tirunelveli,  
Tirunelveli District.



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**R.VIJAYAKUMAR,J.**

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