



W.P(MD)No.24884 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24884 of 2023
and
W.M.P(MD)No.21064 of 2023

S.Jenifer Wills

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

3.The District Educational Officer,
Tirunelveli, Tirunelveli District.

4.The Correspondent,
TDTA St. Andrew's High School,
Koodankulam,
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 records relating to the impugned proceedings issued by the third respondent



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herein vide in O.Moo.No.113/A2/2023, dated 16.05.2023 and quash the same and further direct the second and third respondents herein to approve the petitioner's appointment as B.T Assistant (English) in the fourth respondent School with effect from the date of appointment viz., 04.06.2018 with salary and attendant benefits.

For Petitioner : Mr.A.Ajith Geethan
For R-1 to R-3 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a B.T Assistant (English) Teacher challenging an order passed by the third respondent herein on 16.05.2023, wherein the request of the School Management for approval of her appointment has been rejected citing G.O(Ms)No.165 of the School Education [Tho.Ka.2(1)] Department, dated 17.09.2019.

2. It is an admitted fact that the petitioner was appointed as a B.T Assistant (English) Teacher in the fourth respondent School on 04.06.2018 and a proposal was sent to the Department for regularisation for the approval of her appointment. However, the said request for approval has been rejected under



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the impugned order, dated 16.05.2023 on the ground that there is a ban order with regard to appointment of teaching faculty in view of G.O(Ms)No.165, dated 17.09.2019.

3. The learned Counsel appearing for the writ petitioner brought to the notice of the Court that a judgment of the Hon'ble Division Bench of this Court in a batch of writ appeals in ***W.A(MD)Nos.1076 of 2018 etc., (The District Elementary Educational Officer, Tuticorin, Tuticorin District and Another Vs. J.Ramilatha and Another) dated 26.07.2023***, wherein it has been held that G.O(Ms)No.165, dated 17.09.2019 would operate only prospectively and State cannot reject the approval of the appointments that were made prior to the said date.

4. In the present case, admittedly appointments have been made prior to G.O(Ms)No.165. Therefore, the order impugned in the writ petition is liable to be set aside and accordingly set aside. The third respondent is directed to approve the appointment of the writ petitioner, if she is otherwise qualified within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. With the above said observation, this writ petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous
Petition stands closed.

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

To

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College Road, Chennai-600 006.
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R.VIJAYAKUMAR, J.

BTR

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