



W.P(MD)No.24680 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.24680 of 2023

S.Nandhini

... Petitioner

Vs.

1.The District Educational Officer,
O/o. Valliyoor District Educational Officer,
Valliyoor,
Tirunelveli District.

2.The Block Educational Officer,
O/o. the Block Educational Officer,
Radhapuram,
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, to call for the records in regard to the impugned rejection order made by the 1st respondent in O.Mu.No.2004/A1/2022, dated 01.09.2022 and subsequent impugned rejection order passed by the 2nd respondent vide his proceedings in O.Mu.No.745/AA2/2022, dated 19.10.2022 and quash the both as illegal, arbitrary and consequently direct the 1st respondent to grant approval of the petitioner appointment in the post of Secondary Grade Teacher and to pay the salary from the date of initial appointment



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i.e on 13.07.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The present writ petition has been filed by a Secondary Grade Teacher appointed to a non-minority stand alone school challenging an order of rejection of her approval of appointment.

2. The writ petitioner was appointed as a Secondary Grade Teacher on 13.07.2022. As per the contentions of the learned counsel appearing for the writ petitioner, the staff fixation order for the academic year 2019-20, there is a vacancy for appointing a Secondary Grade Teacher. Only based upon the said staff fixation order, the appointment of the writ petitioner was effected on 13.07.2022. However, citing the ban order, dated 04.12.2019, the present impugned order came to be passed.

3. A perusal of the impugned order is so vague and that has not mentioned any specific reason, whatsoever for rejecting the approval for the appointment of the writ petitioner. Being a non-minority stand alone



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school, the respondent authorities should take into consideration the district surplus with regard to Secondary Grade Teacher as well as the staff fixation order for the said school and they have to pass orders on merits.

4. In view of the above said facts, the orders impugned in the writ petition are set aside and the matter is remitted back to the file of the 1st respondent with a direction to pass orders on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of copy of this order.

5. With the above said observations, this Writ Petition stands allowed. No costs.

27.11.2023

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

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R.VIJAYAKUMAR,J.

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Order made in
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