



W.P(MD)No.25701 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 03.11.2022

Pronounced on : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25701 of 2019

and

W.M.P.(MD)Nos.22270 and 22271 of 2019

The Secretary,
Z.K.M.Higher Secondary School,
Bodinayanakur,
Theni District – 625 513.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.

2.The Director of School Education,
College Road, Chennai – 600 009.

3.The Chief Educational Officer,
Theni, Theni District.

4.The District Educational Officer,
Theni, Theni 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 Government orders issued by the



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3rd respondent in Na.Ka.No.9155/A1/2018 dated 13.06.2019 stating that based on the impugned G.O.Ms.No.64, School Education (Pa.Ka.6(1) Department dated 03.04.2018 and the consequential impugned proceedings issued by the 4th respondent DEO in Na.Ka.No.1141/Aa3/2019 dated 00.06.2019 (Signed on 25.06.2019) returning the proposal for appointment approval, quash the same and further direct the 3rd and 4th respondents herein to approve forthwith the appointment of M.Santhi as Waterman in the petitioner school w.e.f. 31.07.2018 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.R.Baskaran,
Additional Advocate General,
assisted by Mr.S.Shaji Bino,
Special Government Pleader.

ORDER

The petitioner is a recognised aided school. The petitioner claims that as many as 3823 students are now studying in the school. The school management appointed one Santhi as Waterman on 31.07.2018. According to the petitioner, the appointment was necessitated by the retirement of the incumbent, namely, one Thiru.S.V.Velmurugan on 28.02.2018. The impugned proceedings were issued by the Chief Educational Officer, Theni and the District Educational Officer, Theni. The proceedings dated 13.06.2019 state that following the retirement of S.V.Velmurugan, Waterman on 28.02.2018, proposal was received



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through the District Educational Officer, Theni seeking permission to fill up the resulting vacancy. Citing G.O.Ms.No.64, School Education Department dated 03.04.2018, the District Educational Officer, Theni was informed that it is not possible to fill up the vacancy because of the resumption of the post itself. The Chief Educational Officer, Theni sought explanation from the District Educational Officer, Theni as to why in spite of clarifying the position, proposal was resubmitted. On receipt of the same, the District Educational Officer called upon the petitioner management to submit proper explanation to the Chief Educational Officer.

2. In these circumstances, the question of challenging such communications do not arise at all. The petitioner can very well submit proper explanation to the third respondent. Granting liberty to the petitioner to respond to the impugned communications, the writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. No costs. Connected miscellaneous petitions are closed.

08.02.2023

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



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G.R.SWAMINATHAN, J.

Skm

To:

- 1.The Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Theni, Theni District.
- 4.The District Educational Officer,
Theni, Theni District.

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