



W.P(MD)No.24731 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24731 of 2023

and

W.M.P(MD)No.20903 of 2023

The Correspondent,
Amali Girls Higher Secondary School,
Irudayakulam,
Vickramasingapuram,
Tirunelveli District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented 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,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Tirunelveli Town, 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 relating to the impugned proceedings issued by the 3rd respondent CEO in O.Mu.No.8832/a5/2019, dated 30.09.2020 and the



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consequential proceeding of the 4th respondent DEO in Na.Ka.No. 265/A4/2021, dated 04.05.2021 quash the same, further direct the 3rd respondent Chief Educational Officer herein to approve forthwith the appointment of S.Maria Sabita as Physical Education Teacher in the petitioner's school from the date of her appointment i.e., 01.06.2018 and disburse the grant-in-aid towards her salary and allowance w.e.f the said date.

For Petitioner : M/s.A.Amala

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by an aided minority school challenging the orders passed by the 3rd and 4th respondents herein, wherein the appointment of Physical Education Teacher was not approved.

2. According to the learned counsel appearing for the writ petitioner, the school is having 1643 girl students and as per the staff fixation order for the academic year 2018-19, the school is entitled to appoint 2 Physical Education Teachers. Since there was only one Physical Education Teacher in the relevant year, another appointment was made on 01.06.2018. When the appointment order was sent for



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approval to the authorities, the authorities have rejected the same on the ground that there is surplus within the District of Tirunelveli. They have also pointed out the Government letter, dated 04.12.2019, without assigning any reasons whatsoever. Hence, the present writ petition.

3. A perusal of the staff fixation order of the school indicates that the school is entitled to appoint a Physical Education Teacher in the academic year 2018-19. There is no record to establish that the corporate management is having surplus Physical Education Teacher in the academic year 2018-19. Any surplus Physical Education Teachers in the district would not be relevant for the purpose of considering the approval of appointment of a Physical Education Teacher in a corporate management school. It should only be seen whether there is any surplus Physical Education Teacher within the corporate management.

4. In view of the above said facts, the orders impugned in the writ petition are set aside. The 3rd respondent is directed to approve the appointment of the writ petitioner with effect from 01.06.2018 with all attendant benefits within a period of twelve (12) weeks from the date of receipt of copy of this order.



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5. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.11.2023

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

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To

- 1.The Secretary,
The State of Tamil Nadu,
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,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
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R.VIJAYAKUMAR,J.

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Order made in
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