



W.A(MD)No.756 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.756 of 2023
and
C.M.P(MD)No.6384 of 2023**

The District Educational Officer,
O/o.the District Educational Officer,
Devakottai,
Sivagangai District.
Now the District Educational Officer(Secondary),
Sivagangai. ... Appellant/Respondent

-VS-

1.C.Bavani ... 1st Respondent/Writ Petitioner

2.The Correspondent,
RM.M.Girls High School,
Pallathur – 630 107,
Sivagangai District. ... 2nd Respondent/2nd Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order dated 22.03.2022 passed in W.P(MD)No.18735 of 2017.

For Appellant : Mr.D.Sadiq Raja,
Additional Government Pleader

For R-1 : Mr.M.Ajmal Khan, Senior Counsel for
M/s.Ajmal Associates



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court, dated 22.03.2022 made in W.P(MD)No.18735 of 2017, the State is on appeal.

2. By the order impugned, the Writ Court had directed the appellant to approve the appointment of the first respondent as Music Teacher in the second respondent school. The appointment was made after obtaining prior approval from the appellant. However, the application seeking approval was returned on the ground that the first respondent has not produced the equivalence certificate. The Management produced equivalence certificate and re-submitted the proposal. Thereafter, the proposal was again returned on the ground that the school management has not followed 200-point roster. The Writ Court had found that as per G.O.No.65 Personnel and Administrative Reforms Department, dated 27.05.2009 r/w Section 27 Sub Clause(e) of the Tamil Nadu Government Servants (Conditions of Service) Act 2016, the school was right in commencing from serial number one and appointing a candidate in the general turn category. Explanation to Section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016, reads as follows:



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“Section 27...

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Explanation – The vacancies arising on and from the 29th April 2009 shall be filled up as per Schedule – V and all selections for appointment shall be started afresh from serial number one in the said Schedule – V with effect on and from the said date.”

3. We see no ground to fault the Writ Court for having held that the school was right in filling up the post with a candidate in the general turn category in view of the fact that the vacancy arose after April, 2009. Hence, we do not see any reason to entertain this writ appeal. The writ appeal fails and it is accordingly, dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC :Yes/No

Index :Yes/No

PM

To:

The District Educational Officer,
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pm

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