



W.P.(MD)No.1648 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.1648 of 2017

L.R.Anand Prem Kumar

...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 - 600 006.**



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3.The Chief Educational Officer

Kanyakumari District,
Nagercoil.

4.The District Educational Officer,

Kuzhithurai,
Kanyakumari District.

5.St.Stephen's High School,

Rep. by its Manager,
South Palavilai,
Kollemcode - 629 160,
Kanyakumari District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the fourth respondent herein in O.Mu.No.1526/A4/2014 dated 21.03.2014 quash the same, and further direct the fourth respondent herein to approve the appointment of the petitioner as Physical



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Education Teacher in the fifth respondent school from 10.06.2013 onwards with salary and other attendant benefits.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.V.Nirmal Kumar, - for R1 to R4

Government Advocate

No Appearance - for R5

ORDER

Heard Mr.E.V.N.Siva, learned counsel for the petitioner, Mr.V.Nirmal Kumar, learned Government Advocate appearing for the respondents 1 to 4 and perused the materials available records.

2. The grievance of the petitioner raised in this Writ Petition is against the order impugned herein in O.Mu.No. 1526/A4/2014 dated 21.03.2014 issued by the fourth respondent wherein, the approval of appointment of the petitioner as Teacher in fifth respondent School is rejected.



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3. On behalf of the official respondents, a counter affidavit has been filed.

4. On careful perusal of the materials available on record, it appears that as per G.O.Ms.No.525 School Education (D1) Department, dated 29.12.1997 for fixation of Physical Education Teacher post for High School, the required strength of students from 6th class to 10th class is 250. But as per the staff fixation order for the academic year 2013 - 2014 as per the proceedings of the fourth respondent dated 04.09.2013, the number of students in the fifth respondent School is only 77.

5. Under those circumstances, the fourth respondent issued the impugned order rejecting the proposal for approval of appointment of the petitioner as Physical Education Teacher in the fifth respondent School.



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6. As admittedly, the students strength is only 77 in the fifth respondent School, in our considered view, there is no any irregularity or illegality in the order passed by the fourth respondent.

7. Accordingly, this Writ Petition is dismissed.

8. No costs.

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Index : Yes / No

Internet : Yes

NCC : Yes / No

RM



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To

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BATTU DEVANAND, J.

RM

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