



W.P(MD)No.27144 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27144 of 2023

and

W.M.P(MD)Nos.23305 to 23307 of 2023

D.Thenmalar

... Petitioner

Vs.

1.The Principal Secretary to the Government,
School Education Department,
Chennai-600 009.

2.The Chief Educational Officer,
Office of the Chief Education Officer,
Thoothukudi District-628 002.

3.The District Educational Officer,
Thoothukudi District.

4.T.D.T.A P.S.Periyanayagam Higher Secondary School,
Pudukottai,
Thoothukudi District-628 103.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling the impugned records in Mu.Mu.No.5126/A1/2021, dated 15.12.2021, on the file



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of the third respondent and to pass the same as illegal and consequently grant all service and monetary benefits with arrears of salary.

For Petitioner : Mr.Veera Raghul

For R-1 to R-3 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by an Office Assistant, appointed in the fourth respondent School challenging the order passed by the third respondent herein, wherein her appointment has not been approved.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner has been appointed as an Office Assistant on 10.06.2021 in the fourth respondent School. The said School is an aided Minority School under a Corporate Management. When the proposal for approval was sent to the third respondent, he has rejected the same on the ground that there are surplus Teachers within the Corporate Management. The said order is under challenge in the present writ petition.



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3. A perusal of the impugned order reveals that no specific reasons have been assigned by the fourth respondent herein to the effect how there are surplus Office Assistants within the Corporate Management for the relevant academic year.

4. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the second respondent herein. The second respondent is directed to verify whether there are any surplus Office Assistants within the Corporate Management in the academic year 2021-2022. In case if there are no surplus Office Assistants for the relevant academic year, he is directed to pass orders approving the appointment of the writ petitioner with effect from 10.06.2021. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.



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

To

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R.VIJAYAKUMAR, J.

BTR

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