



W.P(MD)No.30265 of 2

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30265 of 2023

and

W.M.P(MD)Nos.26075 & 26076 of 2023

M.Sheeba

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

3.The District Educational Officer,
Valliyoor, Tirunelveli District.

4.The Block Educational Officer,
Kalakadu, Tirunelveli District.

5.The Correspondent,
CMS Evangelical Primary School,
Moongilady, Kalakad,
Nanguneri Taluk,
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, calling for the records relating to the impugned order passed by the third respondent District



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Educational Officer in O.Mu.No.317/Aa1/2022, dated 20.01.2023 quash the same and further direct the third respondent DEO to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the fifth respondent CMS Evangelical Primary School, Moongilady, with effect from the date of her appointment viz., 08.11.2021, with all attendant benefits including arrears of salary.

For Petitioner : Mr.M.F.Rooshi Maas
for M/s.Isaac Chambers

For R-1 to R-4 : Mr.V.Om Prakash
Government Advocate

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed by a Secondary Grade Teacher challenging the order passed by the third respondent herein, wherein her appointment has not been approved.



3. A perusal of the impugned order indicates that the approval has been rejected primarily on the ground that SLP is pending before the Hon'ble Supreme Court challenging the orders of this Court in a batch of writ appeal in W.A(MD)Nos.76 of 2019, dated 31.03.2021.

4. The pendency of the SLP before the Hon'ble Apex Court challenging the order of the Hon'ble Division Bench of this Court in a batch of writ appeals in W.A(MD)Nos.76 of 2019 has nothing to do with the consideration of the approval of the writ petitioner.

5. 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 third respondent herein. The Corporate Management is directed to approach the second respondent with all the relevant records to indicate that there are no surplus Secondary Grade Teachers within the Corporate Management in the academic year 2021-2022. In case if he is satisfied, the second respondent is directed to issue a certificate to the said effect. Based upon the said certificate, the third respondent herein is directed to approve the appointment of the writ petitioner as Secondary Grade Teacher with effect from 08.11.2021 with all attendant



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benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. 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.

21.12.2023

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

To

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R.VIJAYAKUMAR, J.

BTR

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