



W.P.(MD).No.30266 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30266 of 2023

and

W.M.P(MD) Nos.26086 and 26087 of 2023

M.Vinitha
Secondary Grade Teacher,
CMS Evangelical Primary School,
Sengulam, Nanguneri Taluk,
Tirunelveli District.

... 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,
Tirunelveli (Elementary Education)
Tirunelveli District.
4. The Block Educational Officer,
Palayamkottai Rural,
Tirunelveli District.



W.P.(MD).No.30266 of 2023

WEB COPY

5. The Correspondent,
CMS Evangelical Primary School,
Sengkulam, 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 fourth respondent Block Educational Officer in Na.Ka.No.1762/E1/2022, dated 30.11.2022, quash the same, and further direct the third respondent to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the fifth respondent CMS Evangelical Primary School, Sengkulam, w.e.f., the date of her appointment viz., 25.07.2022, with all attendant benefits including arrears of salary.

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

For Respondents : Mr.N.GA.Natraj
Government Advocate
for R1 to R4

ORDER

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



W.P.(MD).No.30266 of 2023

WEB COPY

2. A perusal of the impugned order indicates that without verification of the fact whether there are any surplus Teacher within the Corporate Management, the fourth respondent has refused to approve the appointment. Unless the fifth respondent School establishes the fact that there are no surplus Secondary Grade Teachers within the Corporate Management in the academic year 2022-2023, the appointment of the writ petitioner cannot be approved.

3. Considering the above said facts, the order impugned in the writ petition is set aside. The fifth respondent Management is directed to approach the second respondent with all particulars to establish the fact that there are no surplus Secondary Grade Teachers within the Corporate Management in the academic year 2022-2023. In case, if the second respondent is satisfied that there are no surplus Teachers, he shall issue a Certificate to the said effect. Based upon the said Certificate, the fourth respondent is directed to approve the appointment of the writ petitioner with effect from 25.07.2022 with all attendant benefits. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.(MD).No.30266 of 2023

WEB COPY

4. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

19.12.2023

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

To

1. The Director of School Education,
College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
3. The District Educational Officer,
Tirunelveli (Elementary Education)
Tirunelveli District.
4. The Block Educational Officer,
Palayamkottai Rural,
Tirunelveli District.



WEB COPY



W.P.(MD).No.30266 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.30266 of 2023

19.12.2023