



W.P(MD)No.28218 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28218 of 2023

and

W.M.P(MD)No.24289 of 2023

A.Christin Susaimanickam

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai-9.

2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Dindigul.

4.The District Educational Officer,
The Office of the District Educational Officer,
Dindigul.

5.The Correspondent,
St.Marcellin Higher Secondary School,
Mangamanuthu, Dindigul District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings, dated 14.09.2023, A.Thi.Mu.No.3673/A4/2023, on the file of the 4th respondent and quash the same, directing the respondents, to accord approval to the appointment of the petitioner, Bro.Christin Susaimanickam, working as B.T.Assistant (History) in the 5th respondent, St.Marcelline Higher Secondary School, Mangamanathu, Dindigul District, w.e.f 01.06.2023, and release salary with all monetary and service benefits.

For Petitioner : Mr.S.Savarimuthu
for M/s.Father Xavier Associates

For R1 - R4 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a B.T Assistant (History) Teacher challenging the order passed by the 4th respondent herein, wherein his appointment has not been approved.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was appointed in the 5th respondent school as B.T Assistant (History) on 01.06.2023 in the sanctioned post. He further



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contends that the school is being managed by corporate management, having 2 schools. He further contends that in both the schools, there are no surplus B.T Assistant Teachers. However, under the impugned order, the 4th respondent had refused to approve the appointment on the ground that he is expecting guidelines from the Director of School Education.

3. Per contra, the learned Government Advocate appearing for the official respondents had contended that since fresh guidelines have to be issued by the Director of School Education, the appointment order was not approved.

4. I have carefully considered the submissions made on either side and perused the records.

5. When an appointment has been made in a sanctioned post and there is no surplus teachers within the corporate management, the respondent authorities are duty bound to approve the appointment. They cannot refuse to approve the appointment on the ground that they are awaiting guidelines from the Director of School Education. The Government has issued several Government Orders relating to the



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surplus teachers. Unless the 4th respondent is satisfied that there are no surplus teachers in both the schools, the invocation of said Government Orders would not arise.

6. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the 4th respondent herein for passing fresh orders on merits and in accordance with law taking into consideration the fact that there are no surplus teachers in both the schools that are managed by the corporate management. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

04.12.2023

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

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To

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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.28218 of 2023

Dated:
04.12.2023