



W.P(MD)No.27779 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27779 of 2023

and

W.M.P(MD)No.23884 of 2023

The Correspondent,
St. Mary's Girls Higher Secondary School,
Devakottai-630 302,
Sivagangai District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 4.The District Educational Officer,
Devakottai, Sivagangai 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 proceeding issued by the fourth respondent



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District Educational Officer in O.Mu.No.4673/A3/2023, dated --10.2023, quash the same and further direct the third respondent Chief Educational Officer herein to approve forthwith the appointment of P.Arul Deepa as B.T Assistant Maths in the petitioner's School with effect from 15.06.2023 and disburse the grant-in-aid towards her salary and allowances with effect from the said date with all attendant benefits.

For Petitioner : M/s.A.Amala

For Respondents : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by an Aided Minority School challenging an order passed by the fourth respondent herein, wherein their request for approval of the appointment of B.T Assistant (Maths) has been rejected.

2. A perusal of the impugned order indicates that the rejection order has been passed primarily on the ground that the fourth respondent herein is awaiting guidelines to be issued by the Government for approval of appointments. Other than this, no other reason has been assigned. According to the learned Counsel appearing for the writ



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petitioner, the School is having a student strength of more than 2,500 and as per the staff fixation order for the academic year 2022-2023, they are eligible to appoint 7 B.T Assistant (Maths) Teachers. Even as per the staff fixation order for the academic year 2023-2024, they are eligible to appoint 7 B.T Assistant (Maths) Teachers. The candidate who has been appointed is one among the 7 Teachers.

3. The learned Counsel appearing for the petitioner further submits that there are no surplus in the four Schools run by the Joint Management. It is further submitted that as per the staff fixation order for the academic year 2023-2024, additional post have also been sanctioned to the said School. This would indicate that there are no surplus Teachers in the Joint Management.

4. In the light of the submissions made above, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the third and fourth respondents herein to consider it afresh in the light of the staff fixation order for the academic year 2022-2023 and pass orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.



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

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

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
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R.VIJAYAKUMAR, J.

BTR

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