



W.P.(MD)No.27854 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE **R.VIJAYAKUMAR**

W.P.(MD)No.27854 of 2023

and

W.M.P.(MD)Nos.23953 and 23954 of 2023

Sr.Antony Deepa

... Petitioner

vs.

1.The Govt. of Tamil Nadu,
Rep. 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,
Tirunelveli District.

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

5.The Correspondent,
St.Antony's Higher Secondary School,
Alavanthankulam,
Pallikottai B.O., Sankar Nagar,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings, dated 26.03.2022 in O.Mu.No.5535/AA5/2021 on the file of the 4th respondent and quash the same, directing the Respondents to accord approval to the appointment of the petitioner Sr.Antony Deepa, working as Secondary Grade Teacher in the 5th respondent St.Antony's Higher Secondary School, Alavanthankulam, Pallikottai B.O., Sankar Nagar, Tirunelveli District w.e.f. 04.08.2021 and release the salary with all monetary and service benefits.

For Petitioner :Mr.FR.S.Savarimuthu
for M/s.Father Xavier Associates
For R1 to R4 :Mr.V.Om Prakash
Government Advocate

ORDER

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

2.According to the learned Counsel appearing for the Writ Petitioner, the Writ Petitioner was appointed as a Secondary Grade Teacher on 04.08.2021. The fourth respondent had approved the said



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appointment by making entries in the service register on 21.01.2022.

Without cancelling or superseding the said order, the present impugned order has been passed on 26.03.2022 rejecting the approval of the appointment of the Writ Petitioner. The said order is under challenge.

3.A perusal of the impugned order indicates that no specific reasons have been assigned by the fourth respondent herein for rejecting the request for approving the appointment of the Writ Petitioner. There are general references with regard to the High Court and Supreme Court orders without making any specific pointer whether they are applicable to the facts of the present case.

4.In view of the aforesaid facts, the impugned order is set aside and this Court is inclined to pass the following order:

4.1.The fifth respondent management is directed to approach the third respondent to get a certificate whether there are any surplus Secondary Grade Teachers in the corporate management in the academic year 2020-21.



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4.2.In case, if any certificate is issued by the third respondent that there are no surplus Secondary Grade Teachers in the corporate management in the said academic year 2020-2021, the fourth respondent is directed to approve the appointment of the Writ Petitioner as Secondary Grade Teacher with effect from 04.08.2021 with all attendant benefits.

4.3.The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.The Writ Petition is allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petitions are closed.

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

06.12.2023

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- 1.The Additional Chief Secretary,
The Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-9
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tirunelveli District.
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R.VIJAYAKUMAR, J.

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