



W.P.(MD)No.27915 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.27915 of 2023 and
W.M.P.(MD)Nos.24014 and 24016 of 2023

S.George Vasantham

... Petitioner

vs.

1.The Chief Educational Officer,
Dindigul District.

2.The District Educational Officer (Secondary),
Dindigul District.

3.The Correspondent,
St. Antony Higher Secondary School,
Kosavapatti, Dindigul District.

... Respondents

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 order passed by the 2nd respondent in his proceedings in Na.Ka.No.6814/A2/2022 dated 11.01.2023 quash the same and direct the respondents to approve the appointment of the petitioner as B.T. Assistant (History) with effect from 06.09.2022 and to release the salary with all consequential monetary benefits.

For Petitioner :Mr.V.Panneer Selvam
For R1 and R2 :Mr.V.Om Prakash
Government Advocate



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ORDER

The present Writ Petition has been filed by a B.T.Assistant (History) Teacher challenging an order passed by the second respondent herein, wherein, his appointment has not been approved.

2.According to the learned Counsel for the Writ Petitioner, the Writ Petitioner was appointed as B.T.Assistant, (History) Teacher on 01.06.2009 within the staff strength for the particular school. It is also an admitted fact that the third respondent school is a minority aided school within the corporate management.

3.A perusal of the impugned order indicates that the second respondent had relied upon G.O.Ms.No.165, School Education Department, dated 17.09.2019. The Hon'ble Division Bench of this Court in W.A.(MD)No.76 of 2019 batch, dated 31.03.2021 has held that the aforesaid Government Order is inoperative. Therefore, the order impugned in the Writ Petition is legally unsustainable and the same is set aside. However, considering the fact that the third respondent school is falling within the corporate management, the third respondent school is



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directed to approach the first respondent for issuance of certificate that there are no surplus B.T.Assistant (History) Teachers in the academic year 2022-23. In case, if the first respondent finds that there are no surplus Teachers in B.T.Assistant (History) in the third respondent school, the first respondent is directed to approve the appointment of the Writ Petitioner as B.T.Assistant (History) with effect from 06.09.2022 with all attendant benefits within a period of eight months from the date of receipt of a copy of this order.

4.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
cmr

06.12.2023

To

1.The Chief Educational Officer,
Dindigul District.

2.The District Educational Officer (Secondary),
Dindigul District.

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R.VIJAYAKUMAR, J.

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