



W.P(MD)No.28263 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28263 of 2023

and

W.M.P(MD)No.24329 of 2023

J.Arul Arasi

... Petitioner

Vs.

1.The District Educational Officer (Elementary),
Tirunelveli,
Tirunelveli District.

2.The Block Educational Officer,
Palayamkottai Nagar,
Tirunelveli District.

3.The Correspondent,
St. Gabriel Primary School,
Narashingapuram,
Palayamkottai,
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 proceedings issued by the second respondent herein vide in Na.Ka.No.1006/A2/2023, dated 16.10.2023 and quash the same and further direct the first respondent herein to approve the petitioner's



W.P(MD)No.28263 of 2023

appointment as Secondary Grade Teacher in the third respondent School with effect from the date of appointment viz., 02.01.2023 with salary and attendant benefits.

For Petitioner : Mr.A.Ajith Geethan

For R-1 & R-2 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a Secondary Grade Teacher challenging the order passed by the second respondent, wherein the appointment of the writ petitioner was not approved.

2. According to the learned Counsel appearing for the writ petitioner, the third respondent School is a stand alone Minority Aided Institution. As per the staff fixation order for the academic year 2022-2023, the School is permitted to have one Head Master and one Secondary Grade Teacher. The petitioner has been accommodated within the strength fixed under the said staff fixation order. However, without considering the said facts, the impugned order has been passed as if the Institution is run by a Corporate Management.



W.P(MD)No.28263 of 2023

WEB COPY

3. In view of the fact that the staff fixation order provides for appointment of a Secondary Grade Teacher and considering the fact that it is a stand alone School, the first and second respondents herein are directed to approve the appointment of the writ petitioner as Secondary Grade Teacher with effect from 02.01.2023 with all attendant benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above said direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

30.11.2023

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

To

1.The District Educational Officer (Elementary),
Tirunelveli,
Tirunelveli District.

2.The Block Educational Officer,
Palayamkottai Nagar,
Tirunelveli District.



W.P(MD)No.28263 of 2023

3.The Correspondent,
St. Gabriel Primary School,
Narashingapuram,
Palayamkottai,
Tirunelveli District.



WEB COPY



W.P(MD)No.28263 of 2023

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.28263 of 2023

30.11.2023