



W.P(MD)No.28414 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28414 of 2023

and

W.M.P(MD)No.24457 of 2023

L.Juliet

... Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

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

3.The Correspondent,
St.Antony's Higher Secondary School,
Alavanthakulam-627 357,
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, to call for the records relating to the impugned proceeding issued by the 2nd respondent District Education Officer (Secondary) in Oo.Mu.No. 4387/a3/2023, dated --.10.2023 quash the same and further direct the 1st respondent Chief Educational Officer herein to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the 3rd respondent school namely, St.Antony's Higher Secondary School,



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Alavanthankulam, w.e.f. 08.06.2017 and disburse the grant-in-aid towards her salary and allowances w.e.f., the said date with all attendant benefits.

For Petitioner : M/s.A.Amala

For R1 & R2 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a Secondary Grade Teacher working in the 3rd respondent school challenging the order wherein her appointment was not approved.

2. According to the writ petitioner, she was appointed as a Secondary Grade Teacher on 08.06.2017 in the sanctioned post, which was not declared as surplus. She further pointed out that the impugned order has been passed on the ground that the authority is awaiting for further guidelines from the Commissioner of School Education. This order is under challenge in the present writ petition.

3. The learned counsel appearing for the writ petitioner had contended that when the appointments are made within the sanctioned post and there are no surplus teachers, the authorities are duty bound to



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approve the appointment without awaiting for any guidelines to be issued by the higher authorities.

4. Per contra, the learned Government Advocate relied upon a letter, dated 29.03.2023 of the Commissioner of School Education and contended that as per the said order, guidelines have to be issued for approving the appointment of Headmasters and P.G Assistants. Since the guidelines are yet to be issued by the higher authority, the order impugned in the writ petition has been passed.

5. It is clear that the 1st respondent is the competent authority to pass orders with regard to the approval of the appointment of the writ petitioner. The 1st respondent is duty bound to approve the appointments as long as the same are within the sanctioned strength and there are no surplus in the corporate management in the academic year 2017-18, in which academic year the petitioner was appointed.

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 1st respondent for approving the appointment of the writ petitioner, in case,



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if the appointment is within the sanctioned strength and there are no surplus within the corporate management in the academic year 2017-18.

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.

11.12.2023

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

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To

- 1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 2.The District Educational Officer (Secondary),
Tirunelveli, Tirunelveli District.



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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.28414 of 2023

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