



W.P.(MD)No.28920 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

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

W.P.(MD)No.28920 of 2023

and

W.M.P.(MD)No.24950 of 2023

The Secretary,
Hindu Primary School,
Seithunganallur, Thoothukudi District. ... Petitioner

vs.

The District Educational Officer,
(Primary Education), Office at Pudukottai,
Thoothukudi, Thoothukudi District. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned respondent's proceedings in Mu.Mu.No. 983/A2/2022 dated .05.2023 signed on 10.06.2023 consequentially direct the respondent to grant approval of appointment of Tmt.N.Muppidathi in the sanctioned post of Second Grade Teacher of the petitioner school from the date of appointment ie., on 08.04.2019 with all consequential and other attendant benefits, including arrears of salary within time limit that may be stipulated by this Court.



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For Petitioner :Mr.S.Meenakshi Sundaram
Senior Counsel for Mr.R.T.Arivukumar
For Respondent :Mr.V.Om Prakash
Government Advocate

ORDER

The present Writ Petition has been filed by an aided school management challenging the staff fixation order for the academic year 2022-23 and for a consequential prayer to approve the appointment of one Smt.N.Muppidathi as Secondary Grade Teacher with effect from 08.04.2019.

2.A perusal of the typed set of papers indicates that the petitioner school management had approached the educational authorities seeking prior permission to fill up the post of Secondary Grade Teacher under Open Category (OC) quota. The said request has been accepted by the respondent herein and he has passed an order on 01.03.2019 permitting the petitioner school to appoint a Secondary Grade Teacher.

3.Based upon the said prior permission granted by the educational authorities, the petitioner school has appointed one Smt.N.Muppidathi as



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Secondary Grade Teacher on 08.04.2019. The said appointment order was sent for approval to the respondent herein by the school management on the same day. So far the respondent has not passed any order and he has kept it pending. Hence, the present Writ Petition has been filed.

4.The staff fixation order, which is relevant for considering the approval of appointment of Smt.N.Muppidathi is for the year 2018-19. A perusal of the said staff fixation order reveals that the school is entitled to appoint a Secondary Grade Teacher. The staff fixation for the year 2022-23 also points out that the school is entitled to appoint one Secondary Grade Teacher. Therefore, it is clear that on the date when Smt.N.Muppidathi was appointed as a Secondary Grade Teacher, there were no surplus teachers in the said school.

5.The petitioner management is an aided non minority stand alone school. Therefore, the staff fixation order for the relevant academic year has to be looked into for approving the appointment made by the school management. In the present case, the school management had obtained prior permission and the staff fixation order reflects a vacancy permitting



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the educational agency to appoint a Secondary Grade Teacher. In such circumstances, this Court finds that there is no necessity to quash the staff fixation order for the academic year 2022-23. However, this Court is inclined to grant the consequential relief.

6.In view of the aforesaid facts, the respondent herein is directed to approve the appointment of one Smt.N.Muppidathi as Secondary Grade Teacher with effect from 01.03.2019 with all attendant benefits within a period of twelve weeks from the date of receipt of a copy of this order.

7.This Writ Petition is allowed to extent as stated above.No costs. Consequently, connected miscellaneous petition is closed.

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

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The District Educational Officer,
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R.VIJAYAKUMAR, J.

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