



W.P(MD)No.29057 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29057 of 2023

and

W.M.P(MD)Nos.25101 & 25103 of 2023

Y.Francis Demello

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St. George, Chennai-9.
- 2.The Director of Elementary Education,
DPI Campus,
College Road, Chennai-6.
- 3.The District Educational Officer,
The Office of the District Educational Officer,
Dindigul.
- 4.The District Educational Officer (Elementary Education),
The Office of the District Educational Officer,
Ottanchatram, Dindigul District.
- 5.The Block Educational Officer,
The Office of the Block Educational Officer,
Vedasanthur, Dindigul.



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6.The Correspondent,
St. Francis Xavier R.C. Middle School,
Poothampatty, Vendasandur,
Dindigul 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 pertaining to the impugned proceedings, dated 31.01.2022, in Na.Ka.No.1280/A2/2021 on the file of the fifth respondent and quash the same, directing the respondents to accord approval to the appointment of the petitioner Mr.Y.Francis Demello, working as B.T Assistant (Science) in the sixth respondent, St. Francis Xavier R.C. Middle School, Poothampatty, Vendasandur, Dindigul District with effect from 06.12.2021 and release salary with all monetary and service benefits.

For Petitioner : Mr.S.Savarimuthu
for M/s.Father Xavier Associates

For R-1 to R-5 : Mr.V.Om Prakash
Government Advocate

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



2. The present writ petition has been filed by a B.T Assistant (Science) Teacher challenging the order passed by the fifth respondent herein, wherein his appointment has not been approved.

3. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as a B.T Assistant (Science) Teacher on 06.12.2021. The Management has sent the proposal for approval to the fifth respondent on 27.12.2021. The same has been rejected under the impugned order citing G.O(Ms)No.165, School Education Department, dated 17.09.2019.

4. The Government order in G.O(Ms)No.165, dated 17.09.2019 has held to be in-operative by the Hon'ble Division Bench of this Court in a batch of writ appeals in W.A(MD)Nos.76 of 2019 etc., dated 31.03.2021. Therefore, citing the said Government order, the authorities ought not to have rejected the approval.

5. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the fifth respondent herein to pass orders approving the appointment of the writ petitioner as Secondary



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Grade Teacher with effect from 06.12.2021 with all attendant benefits, in case if the fifth respondent arrives at a finding that there are no surplus B.T Assistant (Science) Teachers in the academic year 2021-2022 in the Corporate Management. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

12.12.2023

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

To

- 1.The Additional Chief Secretary,
The Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-9.
- 2.The Director of Elementary Education,
DPI Campus,
College Road, Chennai-6.



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3. The District Educational Officer,
The Office of the District Educational Officer,
Dindigul.
4. The District Educational Officer (Elementary Education),
The Office of the District Educational Officer,
Ottanchatram, Dindigul District.
5. The Block Educational Officer,
The Office of the Block Educational Officer,
Vedasanthur, Dindigul.
6. The Correspondent,
St. Francis Xavier R.C. Middle School,
Poothampatty, Vendasandur,
Dindigul District.



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R.VIJAYAKUMAR, J.

BTR

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