



W.P.(MD)No.29326 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.12.2023

CORAM

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

W.P.(MD)No.29326 of 2023

and

W.M.P.(MD)Nos.25331 and 25332 of 2023

S.John Sebastian

... Petitioner

vs.

1.The Govt. of Tamil Nadu,
Rep. 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, Vedasandur,
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 impugned proceedings dated 23.11.2021, in Na.Ka.No.970/A2/2021, on the file of the 5th respondent and quash the same, directing the respondents to accord approval to the appointment of the petitioner, S.John Sebastian, working as Secondary Grade Teacher in the 5th respondent, St. Francis Xavier R.C.Middle School, Poothampatty, Vedasandur, Dindigul District, w.e.f.17.06.2019 F.N., and release salary with all monetary and service benefits.

For Petitioner	:Mr.FR.S.Saravarimuthu for M/s.Father Xavier Associates
For R1 to R5	: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 fifth respondent herein, wherein, the request of the petitioner for approval of his appointment has been rejected.



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2.A perusal of the impugned order indicates that the rejection order has been passed solely on the basis that they have to follow G.O. (Ms).No.165, School Education, dated 17.09.2019. The Hon'ble Division Bench of this Court in W.A.(MD)No.76 of 2019, dated 31.03.2021 has categorically held that G.O.(Ms)No.165, is inoperative. Therefore, the basis of the impugned order certainly goes.

3.In view of the aforesaid facts, the order impugned in the Writ Petition is set aside. The matter is remitted back to the file of the fifth respondent herein. The fifth respondent herein shall consider whether there are no surplus Secondary Grade Teachers within the corporate management for the academic year 2019-20. In case, if there are no surplus Teachers, he shall proceed to approve the appointment of the Writ Petitioner with effect from 17.06.2019 with all attendant benefits. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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4.The Writ Petition is allowed to the extent stated above. No costs.

Consequently, connected miscellaneous petitions are closed.

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

13.12.2023

cmr

To

1.The Additional Chief Secretary,
The Govt. of Tamil Nadu,
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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R.VIJAYAKUMAR, J.

cmr

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