



W.P.(MD)No.29277 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.29277 of 2023

and

W.M.P.(MD)Nos.25291 and 25293 of 2023

V.Joseph Sahayaraj

... 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),
The Office of the District Educational Officer,
Dindigul.

5.The Block Educational Officer,
The Office of the Block Educational Officer,
Attthur, Office at Sempatti, Dindigul.

6.The Correspondent, R.C.Middle School,
Ariyanallur, Dindigul District - 624 303.

... Respondents

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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 30.06.2023, in O.Mu.No.882/AA2/2023, on the file of the 4th respondent and quash the same directing the respondents to accord approval to the appointment of the petitioner, Mr.V.Joseph Sahayaraj, working as BT Assistant (Science) in the 5th respondent, R.C.Middle School, Ariyanallur, Dindigul District, w.e.f. 28.04.2023, and release salary with all monetary and service benefits.

For Petitioner	:Mr.S.Savarimuthu for M/s.Father Xavier Associates
For R1 to R4	:Mr.N.GA.Natraj Government Advocate

ORDER

The present Writ Petition has been filed by a B.T.Assistant (Science) Teacher challenging the order passed by the fourth respondent herein, wherein, the request for approving his appointment has been rejected.

2.The learned Counsel for the petitioner submitted that the petitioner was appointed as B.T.Assistant (Science) Teacher in the fifth



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respondent school on 28.04.2023. The management has sent the proposal for approval to the fourth respondent. Under the impugned order, dated 30.06.2023, the fourth respondent has rejected the said approval on the ground that an SLP as against the order of this Court in W.A.No.76 of 2019 etc., batch, dated 31.03.2021 is pending before the Hon'ble Supreme Court. Challenging the same, present Writ Petition has been filed.

3.The pendency of the appeal before the Hon'ble Supreme Court has nothing to do with the request of the petitioner for approval of his appointment. Therefore, the impugned order is set aside. The matter is remitted back to the file of the fourth respondent herein. Admittedly, the fifth respondent school is a minority school falling within the corporate management. On being satisfied that there are no surplus B.T.Assistant (Science) Teachers in the schools falling within the corporate management in the academic year 2022-23, the fourth respondent shall proceed to approve the appointment of the Writ Petitioner with effect from 28.04.2023 with all attendant benefits and pass orders 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 extent as stated above. No costs.

Consequently, connected miscellaneous petitions are closed.

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

13.12.2023

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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 EdDucation,
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),
The Office of the District Educational Officer,
Dindigul.

5.The Block Educational Officer,
The Office of the Block Educational Officer,
Aththur, Office at Sempatti, Dindigul.

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R.VIJAYAKUMAR, J.

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