



W.P(MD)No.29087 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.29087 of 2023

and

W.M.P(MD)Nos.25141 & 25142 of 2023

L.Rex

... 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 23.11.2021, in Na.Ka.No.970/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.L.Rex, working as Secondary Grade Teacher in the fifth respondent, St. Francis Xavier R.C. Middle School, Poothampatty, Vendasandur, Dindigul District with effect from 22.09.2021 and release salary with all monetary and service benefits.

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

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

ORDER

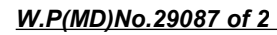
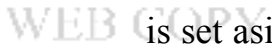
With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



2. The present writ petition has been filed by a Secondary Grade Teacher challenging the order passed by the fifth respondent herein, wherein his appointment was not approved.

3. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as a Secondary Grade Teacher on 22.09.2021 and the proposal was forwarded by the School Management on 26.10.2021 for approval to the fifth respondent. Under the impugned order, dated 23.11.2021, the fifth respondent has chosen to reject the said proposal citing G.O(Ms)No.165, School Education Department, dated 17.09.2019. The said order is under challenge in the present writ petition.

4. G.O(Ms)No.165, School Education Department, 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.



12.12.2023

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



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To
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- 1.The Additional Chief Secretary,
The Government of Tamil Nadu,
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- 3.The District Educational Officer,
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Dindigul.
- 4.The District Educational Officer (Elementary Education),
The Office of the District Educational Officer,
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- 5.The Block Educational Officer,
The Office of the Block Educational Officer,
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- 6.The Correspondent,
St. Francis Xavier R.C. Middle School,
Poothampatty, Vedasandur,
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R.VIJAYAKUMAR, J.

BTR

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