



W.P.(MD)No.29064 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

CORAM

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

W.P.(MD)No.29064 of 2023 and
W.M.P.(MD)Nos.25113 and 25118 of 2023

S.Nasreen Banu

... Petitioner

vs.

1.The District Educational Officer,
O/o.The District Educational Officer,
Karur, Karur District.

2.The Block Educational Officer,
O/o.Block Educational Officer,
Aravakurichi, Karur District.

3.The Correspondent,
Uswathun Hasana Oriental Arabic Aided Primary School,
Pallapatti, Karur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No.1269/A1/2020 dated 04.02.2021 and consequential impugned order passed by the 1st respondent vide his proceedings in Na.Ka.No.1000/A3/2021 dated Nil.03.2021 and quash the same as illegal and consequentially to direct the respondents No.1 and 2 to approval the appointment of the petitioner with effect from 24.04.2020



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and pay the arrears of salary within the period that may be stipulated by this Court.

For Petitioner :Mr.H.Mohammed Imran
for M/s.Ajmal Associates
For R1 and R2 :Mr.V.Om Prakash
Government Advocate

ORDER

The present Writ Petition has been filed by a Secondary Grade Teacher challenging the orders passed by the first and second respondents, wherein, her appointment has not been approved.

2.According to the learned Counsel for the petitioner, the petitioner was appointed as Secondary Grade Teacher in the third respondent school on 24.04.2020. Her appointment was sent for approval to the second respondent. The second respondent under the impugned order dated 04.02.2021 rejected the said proposal by relying upon a Government Letter dated 04.12.2019, which was issued pursuant to G.O.Ms.No.165, School Education, dated 17.09.2019. Consequential order has also been passed by the first respondent on Nil.03.2020. Both these orders are under challenge in the present Writ Petition.



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3.Considering the fact that the school is a minority stand alone school, the staff fixation order for the relevant year should alone be considered at the time of granting approval to the appointment. The petitioner has been appointed in the year 2019-20. According to the learned Counsel petitioner, the petitioner has been appointed within the sanctioned strength for the academic year 2019-20.

4.Considering the aforesaid facts, the impugned orders are set aside. The matter is remitted back to the file of the first respondent herein. The first respondent herein is directed to grant approval to the appointment of the Writ Petitioner as Secondary Grade Teacher with effect from 24.04.2020 with all attendant benefits after being satisfied with the fact that there are no surplus Secondary Grade Teachers in the academic year 2019-20 within the corporate management.

5.With the said observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No

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cmr

:Yes / No

To

1.The District Educational Officer,
O/o.The District Educational Office,
Karur, Karur District.

2.The Block Educational Officer,
O/o.Block Educational Officer,
Aravakurichi, Karur District.



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R.VIJAYAKUMAR, J.

cmr

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