



W.P.(MD)No.29521 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.29521 of 2023

and

W.M.P.(MD)Nos.25486 and 25487 of 2023

The Headmistress and Correspondent,
R.C.Primary School,
Iluppur, Pudukottai District- 622 102.

... Petitioner

vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of Elementary Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Educational Officer,
District Educational Office,
(Near Pragathambal School), Pudukkottai - 622 001.

4.The Block Educational Officer,
Annavasal, Pudukottai 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 relating to the impugned orders passed by the 4th respondent



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Block Educational Officer in A.Thi.Mu.No.1235/A3/2022 dated .11.2022 and the 3rd respondent District Educational Officer in A.Thi.Mu.No. 549/Aa3/2023 dated 03.03.2023 and the consequential proceedings issued by the 4th respondent Block Educational Officer vide proceedings A.Thi.Mu.No.5126/A3/2023 dated 29.03.2023 (as signed), quash the same and further direct the 3rd and 4th respondents to approve the appointment of Mrs.A.Rabekkal Tamilarasi as Secondary Grade Teacher with effect from the date of her appointment viz., 01.06.2022 and release salary and all attendant benefits with effect from the said date.

For Petitioner :Ms.M.R.Rooshi Mass
for M/s.Isaac Chambers

For Respondents :Mr.N.GA.Natraj
Government Advocate

ORDER

The present Writ Petition has been filed by an aided minority institution challenging the order passed by the fourth respondent herein, wherein, the appointment of a Secondary Grade Teacher has not been approved.

2.One Mrs.A.Rabekkal Tamilarasi, was appointed as a Secondary Grade Teacher on 01.06.2022 by the corporate management in the petitioner school. When the proposal was sent for approval, the fourth



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respondent has rejected the said approval citing G.O.(Ms)No.165, School Education, dated 17.09.2019. Challenging the same, the present Writ Petition has been filed.

3.The Hon'ble Division Bench of our High Court in W.A(MD)No. 76 of 2019, dated 31.03.2021, has categorically held that G.O.(Ms).No. 165, has become inoperative. Therefore, the order impugned in the present Writ Petition relying upon G.O.(Ms).No.165, is not legally sustainable.

4.In view of the aforesaid facts, the order impugned in the Writ Petition is set aside and the matter is remitted back to the file of the fourth respondent herein. The petitioner school is directed to approach the third respondent with all the particulars to indicate the fact there are no surplus Secondary Grade Teachers within the corporate management in the academic year 2022-23 and on verification, if the third respondent finds that there are no surplus Secondary Grade Teachers within the corporate management for the said academic year, he is directed to issue a certificate to the said effect within a period of two weeks from the date



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on which the petitioner school approaches the third respondent. On receipt of such certificate, the fourth respondent is directed to approve the appointment of the concerned Teacher with effect from 01.06.2022 with all attendant benefits within a period of eight weeks thereafter.

5.The Writ Petition is allowed to the 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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R.VIJAYAKUMAR, J.

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