



W.P.(MD)No.29388 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.12.2023

CORAM

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

W.P.(MD)No.29388 of 2023

and

W.M.P.(MD)No.25352 of 2023

S.Emile

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.

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

3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

4.The District Educational Officer,
Tirunelveli, Tirunelveli District.

5.The Correspondent,
Cathedral Higher Secondary School,
Palayamkottai - 627 002, Tirunelveli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the



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records relating to the impugned order passed by the 4th respondent District Educational Officer in Oo.Mu.No.3968/Aa4/2020 dated 17.06.2021 denying approval to petitioner appointment as BT Assistant (Science) and quash the same as illegal, and further direct the 3rd respondent Chief Educational Officer to approve forthwith of petitioner appointment as BT Assistant (Science) in 5th respondent school w.e.f., 03.06.2019, with all attendant benefits including arrears of salary, within a time frame.

For Petitioner :Mr.Aayiram K.Selvakumar
For R1 :Mr.V.Om Prakash
Government Advocate

ORDER

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

2.According to the learned Counsel for the petitioner, the petitioner was appointed as B.T.Assistant Teacher in the fifth respondent school on 03.06.2019. The management has sent the proposal for approval on 09.11.2020. Under the impugned order, dated 17.06.2021, the fourth respondent has rejected the said approval on the ground that SLP is



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pending before the Hon'ble Supreme Court as against the order of this Court in W.A.(MD)No.76 of 2019 and batch. Under the impugned order, G.O.(Ms).No.165, School Education Department, is also cited as one of the reasons for rejection of the approval.

3.The pendency of SLP as against the order of this Court, dated 31.03.2021 in W.A.(MD)No.76 of 2019 is no way connected with the approval of the appointment of the Writ Petitioner. That apart, under W.A.(MD)No.76 of 2019, the Hon'ble Division Bench has categorically held that G.O.(Ms).No.165, School Education Department, is inoperative.

4.In view of the aforesaid facts, the impugned order is set aside and the matter is remitted back to the file of the fourth respondent herein. The fourth respondent shall verify whether there are any surplus B.T.Assistant (Science) Teachers within the corporate management for the academic year 2019-20. In case, if there are no surplus B.T.Assistant (Science) Teachers, he shall proceed to approve the appointment of the Writ Petitioner with effect from 03.06.2019 with all attendant benefits.



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The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.The Writ Petition is allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is closed.

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

13.12.2023

cmr

To

1.The Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai - 600 009.

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

3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

4.The District Educational Officer,
Tirunelveli, Tirunelveli District.



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R.VIJAYAKUMAR, J.

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