



W.P(MD)No.29620 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29620 of 2023

and

W.M.P(MD)No.25556 of 2023

1.P.Asaimani

Central Higher Secondary School,
Kayalpatnam-628 204,
Tuticorin District,
Represented by its Correspondent.

... Petitioner

Vs.

1.The Chief Educational Officer,
Tuticorin District,
Tuticorin-628 002.

2.The District Educational Officer,
Tiruchendur-628 215,
Tuticorin District.

3.Benazir

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned proceeding passed by the 1st respondent in his proceedings Na.Ka.No.881/Aa3/2020, dated 17.08.2023 and quash the same as illegal and consequently direct the 1st respondent to approve the appointment of the 3rd respondent as B.T.



W.P(MD)No.29620 of 2023

Assistant (Maths) in the petitioner school with effect from 02.01.2019 in pursuance of its proposal, dated 13.03.2019 within the period that may be stipulated by this Court.

For Petitioners : Mr.M.Jerin Mathew

For R1 & R2 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by an aided minority stand alone school challenging the order passed by the 1st respondent herein, wherein the appointment of a B.T Assistant Teacher has not been approved.

2. According to the learned counsel appearing for the writ petitioner, a B.T Assistant (Maths) Teacher was appointed on 02.01.2019. The said appointment was sent for approval to the 1st respondent. Under the impugned order, dated 17.08.2022, the proposal has been rejected citing pendency of SLP before the Hon'ble Apex Court challenging the order of the Hon'ble Division Bench in W.A(MD)No.76 of 2019 and batch, dated 31.03.2021. Hence, the present writ petition.



W.P(MD)No.29620 of 2023

3. The pendency of SLP before the Hon'ble Supreme Court is no way connected with the approval or disapproval of the appointment of the Teacher appointed by the petitioner management. Therefore, the order impugned in the writ petition is set aside. Considering the fact that the petitioner institution is a minority stand alone school, the respondent authorities are directed to verify whether the appointment is within the sanctioned staff strength of the school for the relevant academic year and proceed to approve the appointment of the concerned Teacher as B.T Assistant (Maths) with effect from 02.01.2019 with all attendant benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

4. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

15.12.2023

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

gbg



W.P(MD)No.29620 of 2023

To

WEB COPY

- 1.The Chief Educational Officer,
Tuticorin District,
Tuticorin-628 002.

- 2.The District Educational Officer,
Tiruchendur-628 215,
Tuticorin District.



WEB COPY



W.P(MD)No.29620 of 2023

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.29620 of 2023

Dated:
15.12.2023