



W.P(MD)No.29907 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29907 of 2023

and

W.M.P(MD)No.25789 of 2023

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.J.Aysha Beevi,
B.T Assistant (Science),
Central Higher Secondary School,
Kayalpatnam-628 204,
Tuticorin 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 relating to the impugned proceedings passed by the first respondent in



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his proceedings Na.Ka.No.882/Aa3/2020, dated 16.08.2023 and quash the same as illegal and consequently direct the first respondent to approve the appointment of the third respondent as B.T Assistant (Science) in the petitioner School with effect from 01.06.2018 in pursuance of its proposal, dated 24.12.2018.

For Petitioner : Mr.M.Jerin Mathew
For R-1 & R-2 : Mr.N.GA.Natraj
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 an aided Minority stand alone Institution challenging the order passed by the first respondent herein, wherein the request of the Management to approve the appointment of B.T Assistant (Science) Teacher has been rejected.

3. A perusal of the impugned order indicates that the approval for the appointment has been rejected on the ground that SLP(C)No.15702 of 2021 before the Hon'ble Supreme Court is pending challenging the orders of the



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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. The other reasons cited in the impugned order is that there are surplus Teachers in the same revenue District. The said order is put to challenge in the present writ petition.

4. The pendency of SLP as against the orders of this Court in a batch of writ appeals in W.A(MD)Nos.76 of 2019 etc., has nothing to do with the approval of the appointment of the Teacher in the petitioner Institution. The Institution being a stand alone Institution, the question of surplus in the revenue District would not affect the right of the Institution to appoint Teachers.

5. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the first respondent herein to pass orders approving the appointment of B.T Assistant (Science) Teachers with effect from 01.06.2018, in case if the appointment is within the staff fixation order for the relevant academic year.



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6. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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

To

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Tuticorin-628 002.
- 2.The District Educational Officer,
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Tuticorin District.
- 3.B.T Assistant (Science),
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R.VIJAYAKUMAR, J.

BTR

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