



W.P(MD)Nos.29822 to 29825 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.29822 to 29825 of 2023

and

W.M.P(MD)Nos.25727 to 25732, 25743, & 25744 of 2023

W.P(MD)No.29822 of 2023:

V.Daisy Mary

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Palani Road, (near Vanivillas Signal),
Dindigul-624 001.
- 4.The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Palani Road, (near Vanivillas Signal),
Dindigul-624 001.



W.P(MD)Nos.29822 to 29825 of 2023

5.The Correspondent,
St.Joseph's Girls' Higher Secondary School,
Dindigul-624 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the record pertaining to the impugned proceedings, dated 06.11.2023, in Na.Ka.No.4079/A2/2023, on the file of the 4th respondent and quash the same, in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Ms.V.Daisy Mary, working as B.T Assistant (English) teacher in St. Joseph's Girls' Higher Secondary School, Dindigul - 624 001, w.e.f. 01.06.2018, and release salary, with all service benefits.

W.P(MD)No.29823 of 2023:

M.Pauline Malar

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Palani Road, (near Vanivillas Signal),
Dindigul-624 001.



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4.The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Palani Road, (near Vanivillas Signal),
Dindigul-624 001.

5.The Correspondent,
St.Joseph's Girls' Higher Secondary School,
Dindigul-624 001.

... Respondents

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W.P(MD)No.29824 of 2023:

A.M.Arockia Mary

... Petitioner

Vs.

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

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



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3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Palani Road, (near Vanivillas Signal),
Dindigul-624 001.

4.The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Palani Road, (near Vanivillas Signal),
Dindigul-624 001.

5.The Correspondent,
St.Joseph's Girls' Higher Secondary School,
Dindigul-624 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the record pertaining to the impugned proceedings, dated 06.11.2023, in Na.Ka.No.4079/A2/2023, on the file of the 4th respondent and quash the same, in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Sr.A.M.Arockia Mary, working as B.T Assistant (Science) teacher in St. Joseph's Girls' Higher Secondary School, Dindigul - 624 001, w.e.f. 26.06.2018, and release salary, with all service benefits.

W.P(MD)No.29825 of 2023:

V.Elizabeth Sugantha

... Petitioner

Vs.

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



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

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
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Dindigul-624 001.

4.The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Palani Road, (near Vanivillas Signal),
Dindigul-624 001.

5.The Correspondent,
St.Joseph's Girls' Higher Secondary School,
Dindigul-624 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the record pertaining to the impugned proceedings, dated 06.11.2023, in Na.Ka.No.4079/A2/2023, on the file of the 4th respondent and quash the same, in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Ms.V.Elizabeth Sugantha, working as B.T Assistant (Maths) teacher in St. Joseph's Girls' Higher Secondary School, Dindigul - 624 001, w.e.f. 06.06.2018, and release salary, with all service benefits.

For Petitioner : Mr.S.Savarimuthu
for M/s.Father Xavier Associates
(In all cases)



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For Respondents : Mr.N.GA.Natraj
Government Advocate
(In all cases)

COMMON ORDER

The present writ petitions have been filed by the B.T Assistants appointed to the 5th respondent school challenging the order passed by the 4th respondent herein wherein their appointments have not been approved.

2. A perusal of the impugned order indicates that the approval has been rejected on the following grounds:

(i) The appointments are not in consonance with G.O.Ms.No.165, School Education Department, dated 17.09.2019.

(ii) Special Leave Petitions have been filed by the State as against the orders of the Hon'ble Division Bench in W.A(MD)No.76 of 2019 and batch.

(iii) The 4th respondent is awaiting directions from the 2nd respondent.



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3. The Hon'ble Division Bench in W.A(MD)No.76 of 2019 and batch cases has already held that G.O.Ms.No.165 School Education Department, dated 17.02.2019 as inoperative. The pendency of SLP as against the orders of Hon'ble Division Bench in W.A(MD)No.76 of 2019 and batch has nothing to do with the approval of the appointment of the writ petitioners herein. When the 4th respondent is the competent authority to consider the fact whether to approve the appointment of the writ petitioner or not, the question of awaiting further directions or guidelines from the 2nd respondent does not arise.

4. In view of the above said reasons, this Court is inclined to pass the following orders:

(i) The order impugned in the writ petition is set aside and the matter is remitted back to the file of the 4th respondent herein.

(ii) The 5th respondent school is a minority aided school managed by a corporate management. The 3rd respondent herein is directed to verify whether there are any surplus B.T Assistant teachers in the particular subjects within the corporate



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management, in which they were appointed. The verification should be restricted to the relevant academic year within the corporate management.

(iii) In case, if the 3rd respondent arrives at a finding that there are no surplus teachers within the said corporate management, he shall issue a certificate to the effect that there are no surplus teachers.

(iv) On receipt of such certificate, the 4th respondent is directed to approve the appointment of the writ petitioners with effect from the date on which they were appointed 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.

5. With the above said observations, all the Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

15.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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College Road, Chennai-600 006.
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 - 5.The Correspondent,
St.Joseph's Girls' Higher Secondary School,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)Nos.29822 to 29825 of 2023

Dated:
15.12.2023