



W.P(MD)No.29868 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29868 of 2023

and

W.M.P(MD)No.25769 of 2023

The Correspondent,
De Britto Higher Secondary School,
Devakottai-630 303,
Sivagangai District.

... Petitioner

Vs.

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

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

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

4.The District Educational Officer,
(Secondary Education),
Devakottai, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent Chief Educational Officer to approve forthwith to the appointment of Thiru. A.



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Vijayakumar as B.T Assistant (History) in the petitioner - School with effect from 01.08.019, with all attendant benefits including arrears of salary and allowances by considering the proposal submitted by the petitioner, dated 16.02.2022.

For Petitioner : M/s.M.F.Rooshi Maas
for M/s.Isaac Chambers

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by the Correspondent of an aided Minority, stand alone School seeking a Mandamus to approve the appointment of one A.Vijayakumar as B.T Assistant (History).

2. According to the School Management, they have appointed a B.T Assistant (History) Teacher on 01.08.2019. The proposal was forwarded to the third respondent herein and the same is yet to be considered. Hence, the present writ petition.



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3. Admittedly, the School is a minority stand alone School. Therefore, if the appointment is within the staff fixation order for the relevant academic year, the authorities are duty bound to approve the same. According to the learned Counsel appearing for the writ petitioner, four B.T Assistant (Social Science) Teachers have been allotted for the academic year 2019-2020. The petitioner has been appointed within the approved strength of said staff fixation order.

4. Considering the above said facts, the third respondent herein is directed to approve the appointment of A.Vijayakumar as B.T Assistant (History) with effect from 01.08.2019, if the appointment is within the staff fixation order for the relevant academic year. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above said direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

20.12.2023



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

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 4.The District Educational Officer,
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R.VIJAYAKUMAR, J.

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