



W.P(MD)No.29986 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29986 of 2023

M.Latha

... Petitioner

Vs.

1.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

2.The District Educational Officer,
Nagercoil, Kanyakumari District.

3.The Correspondent,
St. Antony's Higher Secondary School,
Azhagappapuram,
Kanyakumari District-629 401.

... 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 issued by the second respondent herein vide in O.Mu.No.7582/A1/2022, dated 07.02.2023 and quash the same and further direct the respondents 1 and 2 herein to approve the petitioner's appointment as P.G Assistant (Tamil) in the third respondent School with effect from the date of appointment viz., 05.02.2022 with salary and attendant benefits.



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For Petitioner : Mr.A.Ajith Geethan
For R-1 & R-2 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a P.G Assistant (Tamil) Teacher challenging the order passed by the second respondent herein, wherein her request for approval of her appointment has been rejected.

2. The petitioner herein was appointed as a P.G Assistant (Tamil) on 05.12.2022 in the third respondent School. The School has sent the proposal for approval to the second respondent. Under the impugned order, dated 07.02.2023, the second respondent had rejected the said request on the ground that with regard to the same post, one Smt.Punitha Poomakal had raised a litigation and in view of the pendency of the said litigation, the approval cannot be granted.

3. The learned Counsel appearing for the petitioner brought to the notice of the Court that the said Punitha Poomakal had passed away on 25.09.2022



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and therefore, there is no impediment for the authorities to consider the approval of her appointment.

4. Considering the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the second respondent herein. The petitioner as well as the third respondent Management are directed to place the death certificate of Punitha Poomakal before the second respondent. In case if the authorities arrive at a finding that there are no surplus P.G Assistant (Tamil) Teachers within the Corporate Management in the academic year 2022-2023, the authorities shall proceed to approve the appointment of the writ petitioner with effect from 05.12.2022. 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. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs.

18.12.2023



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

To

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R.VIJAYAKUMAR, J.

BTR

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