



W.P(MD)No.30066 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.30066 of 2023

and

W.M.P(MD)Nos.25936 & 25938 of 2023

Parimala

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St. George, Chennai-9.

2.The Director of Elementary Education,
DPI Campus,
College Road, Chennai-6.

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tirunelveli.

4.The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Vallioor, Tirunelveli District.

5.The Correspondent,
Fatima Girls Higher Secondary School,
Vallioor-627 117,
Tirunelveli District.

... Respondents



W.P(MD)No.30066 of 2023

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 pertaining to the impugned proceedings, dated 05.02.2021, in O.Mu. No.298/A1/2021, on the file of the fourth respondent and quash the same, directing the respondents, to accord approval to the appointment of the petitioner, Sr. Parimala, working as B.T Assistant (Social Science) in the fifth respondent, Fatima Girls Higher Secondary School, Vallioor, Tirunelveli District, with effect from 03.11.2020 and release salary with all monetary and service benefits.

For Petitioner : Mr.S.Savarimuthu
M/s.Father Xavier Associates

For R-1 to R-4 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a B.T Assistant (Social Science) Teacher challenging the order passed by the fourth respondent, wherein the appointment of the writ petitioner has not been approved.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as a B.T Assistant (Social Science) Teacher by the fifth respondent Management on 03.11.2020 as per the staff fixation order.



W.P(MD)No.30066 of 2023

However, under the impugned order, the authorities have rejected the proposal for approval on the ground that a letter has been issued by the authorities based upon W.A(MD)Nos.76 of 2019 etc., to the effect that not to approve any appointment which is made in surplus post.

3. The letter issued by the Government does not ban any further appointment. It only states that the Teachers cannot be appointed in the surplus post.

4. 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 third and fourth respondents herein. The authorities are directed to verify whether there are any surplus B.T Assistant (Social Science) Teachers within the Corporate Management in the academic year 2020-2021. In case if they arrive at a finding that there are no surplus Teachers, they shall proceed to approve the appointment of the writ petitioner with effect from 03.11.2020 with all attendant benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P(MD)No.30066 of 2023

WEB COPY

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

18.12.2023

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

To

- 1.The Additional Chief Secretary,
The Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-9.
- 2.The Director of Elementary Education,
DPI Campus,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tirunelveli.
- 4.The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Vallioor, Tirunelveli District.
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W.P(MD)No.30066 of 2023

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.30066 of 2023

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