



W.P(MD)No.30368 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30368 of 2023

and

W.M.P(MD)Nos.26143 & 26144 of 2023

Sr.Josephin Sobi Mole

... 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,
Madurai.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
Thirumangalam, Madurai.
Now changed as:
The District Educational Officer,
The Office of the District Educational Officer,
Madurai.



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5.The Correspondent,
St.Anne's Girls Higher Secondary School,
P.T.C.Post, Perungudi,
Madurai-625 022.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the record pertaining to the impugned proceedings, dated 03.01.2022, in O.Mu.No.4189/AA5/2021 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.Josephin Sobi Mole, working as B.T. Assistant (Science) teacher in St.Anne's Girls Higher Secondary School, P.T.C.Post, Perungudi, Madurai-625 022, w.e.f. 01.06.2020 and release salary with all service benefits.

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

For R1 - R4 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a B.T Assistant (Science) teacher challenging the order passed by the 4th respondent herein, wherein the request of approval of her appointment has been rejected.



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2. A perusal of the impugned order reveals that the 4th respondent had relied upon G.O.Ms.No.165 School Education Department, dated 17.09.2019 and the pendency of SLP as against the orders of the Hon'ble Division Bench in W.A(MD)No.76 of 2019 and batch.

3. In W.A(MD)No.76 of 2019 and batch, this Court has held that G.O.Ms.No.165 as inoperative. That apart, the pendency of SLP as against the orders of the Hon'ble Division Bench has nothing to do with the approval of the writ petitioner.

4. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the 4th respondent.

5. The corporate management is directed to approach the 3rd respondent with all particulars to indicate whether there are any surplus B.T Assistant (Science) teachers within the corporate management in the academic year 2020-21. If the 3rd respondent arrives at a finding that there are no surplus teachers in the said academic year for the said subject within the corporate management, he shall issue a certificate to



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the said effect. On such certificate being issued, the 4th respondent is directed to approve the appointment of the writ petitioner with effect from 01.06.2020 with all attendant benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date on which the 3rd respondent receives the application from the corporate management.

6. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gbg

To

1. The Additional Chief Secretary,
The Government of Tamil Nadu,
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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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.30368 of 2023

Dated:
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