



W.P(MD)No.30434 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30434 of 2023

and

W.M.P(MD)Nos.26193 & 26194 of 2023

R.Jayaprabha

... Petitioner

Vs.

1.The Joint Director (Secondary Education),
School Education Department, Chennai.

2. The Chief Educational Officer,
District Collectorate Campus,
Virudhunagar District.

3.The District Educational Officer,
Srivilliputtur,
Virudhunagar District.

4.The Secretary,
Sri Rao Bahadur A.K.D.Dharma Raja
Girls Higher Secondary School,
Rajapalayam-626 117.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records relating to the impugned order passed by the 2nd respondent vide his



W.P(MD)No.30434 of 2023

proceeding in ப.மு.எண்.5640/அ1/2021, dated 15.09.2022 and quash the same as illegal and consequentially to direct the 2nd respondent to approve the appointment of the petitioner in the 4th respondent school with effect from 15.04.2015 with all consequent attendant benefits with salary arrears etc as per the proposal submitted by the 4th respondent school, dated 14.03.2017 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For R1 – R3 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petitioner has been filed by a B.T Assistant (Tamil) Teacher challenging the order passed by the 2nd respondent herein, wherein her appointment was not approved on the ground that the said post is reserved for Scheduled Caste (Arunthathiyar) [hereinafter referred as SC (A)] category.

2. According to the learned Senior Counsel appearing for the writ petitioner, on the same ground, the approval was rejected on 13.04.2017. The petitioner had filed W.P(MD)No.19568 of 2017 challenging the said order. This Court was pleased to allow the said writ petition on 29.03.2019 after



W.P(MD)No.30434 of 2023

arriving at a finding that when no Arunthathiyar community candidate is available, the post can be filled up by other SC candidate. In paragraph no.6 of the said order, this Court has directed the management to approach the authority concerned for appropriate orders in respect of the appointment of the SC candidate in the reserved post of SC (A) community within a period of four weeks. The learned Judge has also directed the authorities to consider the case of the petitioner in the light of the judgment of the Hon'ble Division Bench of this Court in W.A(MD)No.1268 of 2013, dated 05.03.2014.

3. After the orders of this Court, the 2nd respondent herein has chosen to pass the present impugned order rejecting the request for approval for the very same reasons.

4. A perusal of the impugned order indicates that the authority has rejected the request for approval on the ground that one of the candidates, namely Nagajothi who belongs to SC (A) community has not been selected and no reasons have been assigned by the management.



W.P(MD)No.30434 of 2023

WEB COPY

5. The learned Senior Counsel appearing for the writ petitioner pointed out that out of 3 candidates sponsored by the employment exchange, 2 of them remained absent and the 3rd candidate, namely Nagajothi who appeared for the interview had not passed TET examinations, since she has secured only 60 marks. Therefore, no other SC (A) candidate was qualified and therefore, due to non-availability of SC (A) candidate, the management has proceeded to appoint the writ petitioner who belongs to SC category.

6. The facts narrated above will clearly indicates that the school management has called for SC (A) candidates to be sponsored by the employment exchange and out of which, 2 of them had not appeared for the interview and one of the candidates, namely Nagajothi who had appeared for the interview had not passed the TET examination. Therefore, the school management was constrained to appoint a SC candidate, namely the writ petitioner to the said post.

7. In view of the above said facts, the order impugned in the writ petition is not legally sustainable and the same is set aside. The 2nd respondent herein is directed to approve the appointment of the writ petitioner with effect from



W.P(MD)No.30434 of 2023

15.04.2015 with all attendant benefits. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

8. With the above said direction, 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

gbg

To

- 1.The Joint Director (Secondary Education),
School Education Department, Chennai.
2. The Chief Educational Officer,
District Collectorate Campus,
Virudhunagar District.
- 3.The District Educational Officer,
Srivilliputtur,
Virudhunagar District.



WEB COPY



W.P(MD)No.30434 of 2023

R.VIJAYAKUMAR, J.

gbg

W.P(MD)No.30434 of 2023

20.12.2023