



*W.P(MD)No.30802 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

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**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.30802 of 2023**

**and**

**W.M.P(MD)Nos.26454 & 26458 of 2023**

The Correspondent,  
St.Mary's Higher Secondary School,  
Madurai-625 001,  
Madurai 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, Chenna-600 009..
- 3.The Chief Educational Officer,  
Madurai-625 001,  
Madurai District.
- 4.The District Educational Officer,  
Madurai-625 001,  
Madurai District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records relating to the impugned order passed by the 4<sup>th</sup> respondent District Educational Officer in Oo.Mu.No.4509/Aa1/2022, dated 01.09.2022 denying approval to the appointment of T.Arun as B.T.Assistant (Mathematics), quash the same and further direct the 4<sup>th</sup> respondent DEO to approve forthwith the appointment of T.Arun as B.T.Assistant (Mathematics) in the petitioner school w.e.f., 01.07.2022 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.K.Ragatheesh Kumar  
for M/s.Isaac Chambers

For Respondents : Mr.N.GA.Natraj  
Government Advocate

### **ORDER**

The present writ petition has been filed by a school management challenging the order passed by the 4<sup>th</sup> respondent herein, wherein the appointment of B.T Assistant (Mathematics) has not been approved.

2. According to the learned counsel appearing for the writ petitioner, one T.Arun has been appointed as a B.T Assistant (Mathematics) in the petitioner school on 01.07.2022. According to him, the petitioner school is an aided minority stand alone institution. The appointment order was sent for approval to the 4<sup>th</sup> respondent herein. The 4<sup>th</sup> respondent by his impugned order, dated 01.09.2022 has rejected the



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said proposal on the ground that there is a ban order for any fresh appointment in view of G.O.Ms.No.165 School Education Department, dated 17.09.2019 and SLP is pending before the Hon'ble Supreme Court challenging the order of the Hon'ble Division Bench in W.A(MD)No.76 of 2019 and batch. The said order is under challenge in the present writ petition.

3. A perusal of the impugned order clearly indicates that the approval of appointment has been rejected mainly on the basis of G.O.Ms.No.165 School Education Department, dated 17.09.2019, which has been held to be inoperative in W.A(MD)No.76 of 2019. Further, the pendency of SLP before the Hon'ble Supreme Court challenging the order in W.A(MD)No.76 of 2019 has nothing to do with the present approval sought for by 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 4<sup>th</sup> respondent. In case, if he finds that the appointment is within the staff fixation order for the relevant academic year, he shall proceed to approve the appoint of one T.Arun as B.T Assistant (Mathematics) with effect



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from 01.07.2022 with all attendant benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

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

**22.12.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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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, Chenna-600 009..
- 3.The Chief Educational Officer,  
Madurai-625 001,  
Madurai District.
- 4.The District Educational Officer,  
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**R.VIJAYAKUMAR,J.**

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Order made in  
W.P(MD)No.30802 of 2023

Dated:  
22.12.2023