



W.P(MD)No.31153 of 2023

WEB COPY

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.31153 of 2023

and

W.M.P(MD)No.26701 & 26703 of 2023

The Correspondent,
Pallivasal Higher Secondary School,
Mudukulathur-623 704,
Ramanathapuram 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, Chennai-600 006.

3.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

4.The District Educational Officer (Secondary Education),
Ramanathapuram,
Ramanathapuram 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 call for the records relating to the impugned order passed by the 3rd



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respondent Chief Educational Officer in Na.Ka.No.9266/Aa2/2019, dated 07.09.2021 denying approval to the appointment of M.Shaik Mansoor as B.T.Assistant (Tamil), quash the same and further direct the 3rd respondent CEO and 4th respondent DEO to approve forthwith the appointment of M.Shaik Mansoor as B.T.Assistant (Tamil) in the petitioner school w.e.f., 15.07.2019 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.M.F.Rooshi Maas

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a Correspondent of an aided minority stand alone institution challenging the order passed by the 4th respondent herein, wherein the appointment of a B.T Assistant (Tamil) Teacher has not been approved.

2. According to the school management, one Shaik Mansoor was appointed as B.T Assistant (Tamil) Teacher in the petitioner school on 15.07.2019. When the proposal was forwarded to the respondents, they have rejected it under the impugned order on the ground that it is in violation of G.O.Ms.No.165, School Education Department, dated



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17.09.2019. They have also cited the pendency of SLP before the Hon'ble Supreme Court as against the order of the Hon'ble Division Bench of this Court in W.A(MD)No.76 of 2019 and batch. The authorities have further cited that there are several surplus teachers in the revenue district. Challenging the said order, the present writ petition has been filed.

3. A perusal of the order impugned in the writ petition indicates that even though G.O.Ms.No.165 School Education Department, dated 17.09.2019 has been held to be inoperative, the same has been relied upon. That apart, the pendency of SLP as against the order of the Hon'ble Division Bench in W.A(MD)No.76 of 2019 batch is no way connected with the approval of the present appointment. The availability of surplus teachers in the entire revenue district will not affect a stand alone school to have appointment of teachers within their staff fixation order.

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 herein. The 4th respondent is directed to approve the



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appointment of one Mr.Shaik Mansoor as B.T Assistant (Tamil) teacher with effect from 15.07.2019 with all attendant benefits, in case, if he arrives at a finding that the appointment is within the staff fixation order for the academic year 2019-20. 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, Chennai-600 006.
- 3.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.



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4. The District Educational Officer (Secondary Education),
Ramanathapuram,
Ramanathapuram District.



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R.VIJAYAKUMAR,J.

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Order made in
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Dated:
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