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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.30603 & 30604 of 2023

and

W.M.P(MD)Nos.26309 & 26312 of 2023

Town Higher Secondary School,
Represented by its Secretary,
PR.P.Velappan,
Kumbakonam,
Thanjavur District-612 001.

... Petitioner
(In Both the Cases)

Vs.

- 1.The Chief Educational Officer,
Office of the Chief Educational Office,
Thanjavur District,
Thanjavur.
- 2.The District Educational Officer,
Office of the District Educational Office,
Kumbakonam,
Thanjavur District.

... Respondents
(In Both the Cases)

Prayer in W.P(MD)No.30603 of 2023 : 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 relating to the impugned order made in O.Mu.No.4282/Aa1/2023, dated 05.12.2023 passed by the first respondent and



quash the same and consequently direct the first respondent to approve the promotion of Mr.Thiyagu Sundaram in the post of P.G Assistant in Maths at petitioner School with effect from 22.02.2023.

Prayer in W.P(MD)No.30604 of 2023 : 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 relating to the impugned order made in O.Mu.No.10953/Aa1/2023, dated 05.12.2023 passed by the first respondent and quash the same and consequently direct the first respondent to approve the promotion of Mr. Keerthivasan to the post of P.G Assistant in English at petitioner School with effect from 12.06.2023.

(In Both the Cases)

For Petitioner : Mr.T.Antony Arul Raj

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

COMMON ORDER

The present writ petitions have been filed by the aided non-minority stand alone Institution challenging the order passed by the first respondent herein, wherein the request of the Management for approval of promotion of B.T Assistant Teachers as P.G Assistant Teachers was rejected on the ground that until the surplus staff from the other Schools are redeployed, the said request cannot be considered.



2. Considering the fact that the School is a non-minority stand alone Institution, the authorities have to verify the staff fixation order for the relevant academic year and for the relevant subject. Incase, if the appointments have been made within the staff fixation order, they are duty bound to approve the said appointments.

3. In view of the above said facts, the order impugned in the writ petitions are set aside. The matter is remitted back to the file of the first respondent herein. The first respondent is directed to approve the appointments from the respective dates, in case if the appointments are made within the staff fixation order for the relevant academic year.

4. These writ petitions stand allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

21.12.2023

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



W.P(MD)Nos.30603 & 30604 of 2

To
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- 1.The Chief Educational Officer,
Office of the Chief Educational Office,
Thanjavur District,
Thanjavur.

- 2.The District Educational Officer,
Office of the District Educational Office,
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R.VIJAYAKUMAR, J.

BTR

W.P(MD)Nos.30603 & 30604 of 2023

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