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W.P.No.1014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1014 of 2024 and
W.M.P.No.1065 of 2024

Sr.A.Roja Xavier Selvi

...Petitioner

-Vs-

1. The Government of TamilNadu
Represented by its Principal 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,
Office of the Chief Educational Officer,
District Collectorate Campus,
Tiruppur,
Tiruppur District
4. The District Educational Officer,
Office of the District Educational Officer,
District Collectorate Campus,
Tiruppur,
Tiruppur District.



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5. The Correspondent,
St., Aloysius Girls Higher Secondary School,
Dharapuram,
Tiruppur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to issue orders, approving the transfer and promotion of the petitioner, Sr.A.Roja Xavier Selvi, working as P.G.Assist (maths) in the 5th respondent St. Aloysius Girls Higher Secondary School, Dharapuram, Tiruppur District w.e.f. 01.10.2020, and release salary, with all service and monetary benefits.

For petitioner : Mr.Father Xavier Arul Raj
Senior counsel for
Father Xavier Associates

For respondents 1 to 4 : Mr.K.H.Ravikumar,
Government Advocate

ORDER

This writ petition has been filed for direction to the 3rd respondent to pass orders on the proposal sent for approval for transfer and promotion of the petitioner with effect from 01.10.2020.



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2. The petitioner was appointed as B.T.Assistant (Maths) in St. Fatima Girls Higher Secondary School, Vallioor with effect from 26.06.2013. Her appointment was not approved. The petitioner was constrained to file writ petition before the Madurai bench of this Court in W.P.(MD).No.10259 of 2015. This court by its interim order dated 25.06.2015 directed the respondents to give approval to the appointment of the petitioner and release salary. The appointment of the petitioner as B.T.Assist (Maths) was approved by proceedings dated 21.02.2017. However, she was paid only basic salary and other service benefits are yet to be received. Thereafter, the petitioner was promoted to the post of P.G.Assist (maths) and transferred by order dated 10.09.2020 to the 5th respondent's school with effect from 01.10.2020. The said post is a regular sanctioned post, with Grant-in-Aid from the Government. After promotion and transfer, the 5th respondent submitted proposal of the transfer and promotion of the petitioner to the 3rd and 4th respondents for approval on 02.10.2020. However, the 3rd respondent by its proceedings dated 19.01.2022 returned the proposal with certain queries. Once again, it was resubmitted and given to the 3rd respondent. The 3rd respondent by its



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proceedings dated 29.06.2022 returned the proposal directing the 5th respondent to submit the approval order of the initial appointment of the petitioner as B.T.Assist (Maths) in St. Fatima Girls Higher Secondary School, Vallioor. Once again, 5th respondent resubmitted the proposal on 23.08.2023. The same was pending on the file of the 3rd and 4th respondents for approval.

3. Considering the above facts, the 3rd and 4th respondents are directed to pass orders on merits in accordance with law on the proposal sent by the 5th respondent for approval of transfer and promotion of the petitioner with effect from 01.10.2020 within a period of twelve weeks from the date of receipt of copy of this order. It is also made clear that the 3rd and 4th respondents are directed to disburse the other service benefits on approval of the petitioner for her initial appointment to the post of B.T.Assist (Maths) in St. Fatima Girls Higher Secondary School, Vallioor with effect from 26.06.2013 forthwith.



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4. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.01.2024

Index : Yes/No

Internet: Yes/No

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To

1. The Government of TamilNadu
Represented by its Principal Secretary,
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2. The Director of School Education,
DPI Campus, College Road,
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3. The Chief Educational Officer,
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5. The Correspondent,
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Dharapuram, Tiruppur District.

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G.K.ILANTHIRAIYAN,J.
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