



W.P.No.2062 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2062 of 2022
and W.M.P.No.2212 of 2022

A.Joisy Mithusia Mary
St. Anne's Girls Higher Secondary School,
Krishnagiri – 635 001,
Krishnagiri District.

...Petitioner

-Vs-

1. The Commissioner of School Education,
DPI Campus,
College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Government Boy's Higher Secondary
School Ground,
Krishnagiri – 635 001.
3. The District Educational Officer,
Office of the District Educational Officer,
Krishnagiri – 635 001,
Krishnagiri District.
4. The Correspondent,
St. Anne's Girls Higher Secondary School,
Krishnagiri – 635 001,
Krishnagiri District.

... Respondents



W.P.No.2062 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to accord approval to the appointment of the petitioner A.Joisy Mithusia Mary, as B.T. Assistant (Science) in the fourth respondent St. Anne's Girls Higher Secondary School, Krishnagiri – 635 001, Krishnagiri District, w.e.f., 03.06.2019, with all service and monetary benefits.

For Petitioner : Dr.Father Xavier Arul Raj,
Senior Counsel
For M/s.Father Xavier Associates

For Respondents
For R1 to R3 : Mr.S.Silambanan
Additional Advocate General
Assisted by Mr.K.H.Ravikumar
Government Advocate.

ORDER

The writ petition has been filed for direction directing the respondents 1 to 3 to accord approval to the appointment of the petitioner as B.T. Assistant in the fourth respondent school, with effect from 03.06.2019.

2. Heard the learned counsel appearing on either side and perused the material placed before this Court.



W.P.No.2062 of 2022

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3. The petitioner was appointed as B.T. Assistant (Science) in the fourth respondent school on 03.06.2019 in the vacancy arising out of retirement of one Vasanthi on 31.05.2019. The said post is a regular sanctioned post, with grant-in-aid from the government. The fourth respondent school is sanctioned with 23 teaching and 4 non-teaching staff. There are around 30 teachers are working as management staff. Among the 23 sanctioned teaching post, there are 14 B.T. Assistants, 3 Tamil Pandits, 2 Secondary Grade Assistants, one Physical Education Trainer, one Special Teacher and one Music Teacher.

4. In the sanctioned post, the said Vasanthi retired as Secondary Grade Assistant on 31.05.2019. It was approved by the third respondent by his communication dated 03.06.2019. The second respondent by his proceedings dated 21.04.2017, stated that when the permanent vacancy arose in the fourth respondent school, it has to be filled up with B.T. Assistant (Science). Since the vacant post is a Secondary Grade Assistant post, the fourth respondent school submitted a representation to convert the said post into B.T. Assistant as per



W.P.No.2062 of 2022

G.O.Ms.No.144 School Education (D1) Department dated 04.07.2008. It was forwarded to the second respondent by the proceeding dated 15.05.2019.

5. Accordingly, the proposal was sent for approval of the appointment of the petitioner in the fourth respondent school on 19.09.2019. However, the third respondent returned the proposal for conversion of the post from Secondary Grade Assistant to B.T. Assistant. Once again, the fourth respondent school resubmitted the proposal for approval on 27.07.2021, stating that there is no surplus in the corporate management of the fourth respondent school. However, it is pending with the third respondent without passing any order so far.

6. Considering the above facts and circumstances, the third respondent is directed to pass orders on the proposal sent by the fourth respondent school for the approval to the appointment of the petitioner as B.T. Assistant (Science), within a period of eight weeks from the date of receipt of a copy of this Order.



W.P.No.2062 of 2022

7. With the above directions, the Writ Petition stands disposed

of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

12.01.2024
(½)

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

1. The Commissioner of School Education,
DPI Campus,
College Road,
Chennai – 600 006.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
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W.P.No.2062 of 2022

G.K.ILANTHIRAIYAN. J.

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W.P.No.2062 of 2022
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12.01.2024
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