



W.P.No.4375 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM:

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

W.P.No.4375 of 2024 and
WMP.Nos.4712 & 4713 of 2024

Ubaibas Girls Primary School
Represented by its Correspondent
No.13, Abdul Hameed Street,
Tirupattur 635 601
Tirupattur District

... Petitioner

Vs.

- 1.The Secretary,
School Education Department,
St.George Fort,
Chennai
- 2.The Director of Elementary Education,
DPI Campus,
Nungambakkam, Chennai 600 006
- 3.The District Education Officer(Elementary),
District Elementary Education Office,
Tirupattur 635 602
Tirupattur District
- 4.The Block Educational Officer,
Block Education Office,
Tirupattur 635 602
Tirupattur District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus to call for the



W.P.No.4375 of 2024

records of the fourth respondent in AA.Thee.Mu.No.0087/ A3/2024 dated 29.01.2024 and quash the same and direct the third respondent who is the competent authority to approve the appointment proposal of Mrs.M.A.Ashraf Begum as Secondary Grade Teacher made from 21.12.2022 in the petitioner school.

For Petitioner : Mr.Zaffarullah Khan

For Respondents : Mrs.S.Mythereye Chandru,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of rejection passed by the fourth respondent on the proposal sent by the petitioner School to approve the appointment of one, Mrs.M.A.Ashraf Begum as Secondary Grade Teacher with effect from 21.12.2022.

2. Heard, the learned counsel appearing on either side.

3. The petitioner School is a recognised aided minority school. The petitioner School had teachers strength for the year 2022-2023 as 1 Headmistress, 7 Secondary Grade Teachers and 1 Regional Language



W.P.No.4375 of 2024

Teacher. Due to relieving of one, Mrs.S.G.Yasmin, Secondary Grade Teacher on medical grounds, a vacancy arose and in the said vacancy, Mrs.M.A.Ashref Begum was appointed as Secondary Grade Teacher in the petitioner School. After her appointment, the petitioner School had submitted a proposal for approval of her appointment through the fourth respondent. However, the fourth respondent without even forwarding the said proposal to the third respondent who is the competent authority, returned the proposal on the ground that surplus teachers under the same corporate management to be considered without appointing new teachers.

4. Admittedly, the third respondent is the competent authority to accord approval for appointment made in aided school as per the GO.Ms.No.151 School Education (SE1(1)) Department dated 09.09.2022. The fourth respondent is being forwarding agency to the third respondent to accord approval, cannot return the same. That apart, the fourth respondent has no power or jurisdiction to return the proposal sent by the petitioner School for approval of appointment of the said Secondary Grade Teacher in the petitioner School.



W.P.No.4375 of 2024

5. In view of the above, the impugned order is liable to be quashed. Accordingly, the impugned order of the fourth respondent dated 29.01.2024 is quashed. The petitioner School is directed to submit a fresh proposal for approval of appointment of Mrs.M.A.Ashraf Begum as Secondary Grade Teacher with effect from 21.12.2022 to the third respondent. On receipt of the same, the third respondent is directed to pass appropriate orders on the said proposal on merits and in accordance with law within a period of four weeks from the date of receipt of the proposal to be sent by the petitioner School.

6. With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

22.02.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



WEB COPY



W.P.No.4375 of 2024

To

1. The Secretary,
School Education Department,
St. George Fort,
Chennai
2. The Director of Elementary Education,
DPI Campus,
Nungambakkam, Chennai 600 006
3. The District Education Officer(Elementary),
District Elementary Education Office,
Tirupattur 635 602
Tirupattur District
4. The Block Educational Officer,
Block Education Office,
Tirupattur 635 602
Tirupattur District



WEB COPY



W.P.No.4375 of 2024

G.K.ILANTHIRAIYAN, J.

lok

W.P.No.4375 of 2024

22.02.2024