



WEB COPY



W.P.No.5151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM:

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

W.P.No.5151 of 2024 and
WMP.No.5662 of 2024

Azad Middle School
Mettupalayam, 606 207,
Chinnasalem Taluk,
Kallakurichi District,
Rep. By its Manager,
M.Ismail Babu

... Petitioner

Vs.

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006
- 2.The District Educational Officer(Private Schools),
Kallakurichi Education District,
Kallakurichi
- 3.The Block Educational Officer,
Chinnasalem Block,
Kallakurichi 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 records relating the impugned proceedings issued by the third respondent in Na.Ka.No.3237/A2/2023 dated 05.02.2024 and to quash the same and consequently directing the respondents to pass orders for granting approval of appointment of Thiru.A.Selthilraj made in the sanctioned



W.P.No.5151 of 2024

post of Secondary Grade Teacher in the petitioner school with effect from 25.09.2023 including the arrears of salary, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

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

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 05.02.2024 thereby rejected the request made by the petitioner school seeking approval of appointment of one, A.Senthilraj in the post of Secondary Grade Teacher with effect from 25.09.2023.

2. The petitioner school is a religious minority institution receiving Grants in Aid from the Government of Tamilnadu. It has been sanctioned with teaching post by the Educational Department with assessment of salary grant. While being so, a vacancy arose to the post of Secondary Grade Teacher due to retirement of an incumbent one,



W.P.No.5151 of 2024

V.Ganesan on 31.05.2023. In the said vacancy, one, A.Senthilraj was appointed as Secondary Grade Teacher vide appointment order dated 25.09.2023 and he had joined in the said post on the same day. Thereafter, the petitioner school had submitted proposal to the second respondent through the third respondent seeking approval of his appointment with effect from the date of his appointment i.e. 25.09.2023 along with all requisite documents. However, it was not considered and it was pending. Therefore, the petitioner approached this Court in WP.No.30708 of 2023 and this Court by order dated 30.10.2023 directed the respondents to dispose of the proposal forwarded by the petitioner.

3. Now the second respondent rejected the proposal sent by the petitioner for approval of the appointment of the said A.Senthilraj in the post of Secondary Grade Teacher by quoting the interim order passed by the Hon'ble Division Bench of this Court in writ appeal in WA.(MD)No.76 of 2019, etc. batch dated 09.04.2019. Accordingly, no teaching post can be filled up in accordance with GO.Ms.No.165 School Education Department dated 17.09.2019.



W.P.No.5151 of 2024

petition is allowed. The petitioner is directed to submit a fresh proposal for approval of appointment of the said Senthilraj in the post of Secondary Grade Teacher in the petitioner School with effect from 25.09.2023. On receipt of the same, the second respondent is directed to approve the appointment of the said Senthilraj in the post of Secondary Grade Teacher in the petitioner School with effect from 25.09.2023, if it is otherwise in order, within a period of four weeks from the date of receipt of the said proposal. It is made clear that if any Special Leave Petition is pending before the Hon'ble Supreme Court of India in this regard, such approval is subject to the result of the Special Leave Petition before the Hon'ble Supreme Court of India. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

29.02.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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W.P.No.5151 of 2024

G.K.ILANTHIRAIYAN, J.

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To

- 1.The Director of Elementary Education,
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Chennai 600 006
- 2.The District Educational Officer(Private Schools),
Kallakurichi Education District,
Kallakurichi
- 3.The Block Educational Officer,
Chinnasalem Block,
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W.P.No.5151 of 2024

29.02.2024