



WEB COPY



W.P.No. 6997 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6997 of 2024

Modi Mohammed Shafeeq

Vs

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Petitioner

1. The Director of School Education,
DPI Compound, College Road,
Nungambakkam, Chennai-600006.

2. The Chief Educational Officer,
Thirupattur, Thirupattur District.

3. The District Educational Officer,
Thirupattur, Thirupattur District.

4. The Secretary & Correspondent,
Mazharul Uloom Higher Secondary School,
Ambur-635 802,
Thirupattur District.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the 3rd respondent in A.Thi.Mu.No.258/Aa3/2024, dated 31.01.2024 and quash the same and consequently direct the respondents to approve the appointment of the petitioner as B.T.Assistant (science) in the 4th respondent School, w.e.f. 01.12.2021 with all consequential monetary benefits.



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For Petitioner : Mr.S.N.Ravichandran
For R1 to R3 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 31.01.2024, thereby returned the proposal sent by the fourth respondent for approval of appointment of the petitioner as B.T.Assistant (Science) in the fourth respondent School with effect from 01.12.2021.

2. Heard Mr.S.N.Ravichandran, learned counsel appearing for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

3. A perusal of the impugned order dated 31.01.2024 reveals that the approval of the petitioner's appointment will be considered only after receipt of instructions from the Director of School Education. The fourth respondent School is an Aided Religious Minority institution. It is recognized by the Government of Tamil Nadu with minority status and receiving full grant in aid. While being so, a vacancy arose for the post



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of B.T.Assistant (Science) due to sudden demise of A.Zakira Basha on 04.06.2021. It is a sanctioned post and in the said vacancy, the petitioner was appointed as B.T.Assistant (Science) on 01.12.2021. After her appointment, the fourth respondent had sent a proposal for approval of her appointment. However, it was returned seeking some queries. The fourth respondent once again re-submitted the proposal for approval of appointment of the petitioner to the post of B.T.Assistant (Science) with effect from 01.12.2021.

4. On instructions, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that no proposal has been received so far for approval of appointment of the petitioner in the post of B.T.Assistant (Science).

5. In view of the above, the fourth respondent is directed to send fresh proposal for approval of appointment of the petitioner. On receipt of the same, the second respondent is directed to pass orders on the proposal sent by the fourth respondent on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition stands disposed

of. No costs.

21.03.2024

Internet : Yes/No

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation : Yes/No

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To

1. The Director of School Education,
DPI Compound, College Road,
Nungambakkam, Chennai-600006.

2. The Chief Educational Officer,
Thirupattur, Thirupattur District.

3. The District Educational Officer,
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G.K.ILANTHIRAIYAN, J.

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