



WEB COPY



W.P.No.10737 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

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

W.P.No.10737 of 2022
W.M.P.Nos.10386 & 10387 of 2022

Sultanpet Muslim Aided Primary School,
Rep. by its Correspondent Noorjahan,
Tiruvannamalai.

...Petitioner

-Vs -

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2. The Chief Educational Officer,
Thiruvannamalai District.

3. The District Educational Officer,
Thiruvannamalai.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.No.1450/E1/2020 dated 28.12.2020 quash the same and consequently direct the respondents to grant approval to the appointment of Sharmila Begum as Secondary Grad Teacher with effect from 07.06.2017 with all monetary and service benefits.



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For Petitioner : Mr.Dakshayani Reddy
Senior Counsel
For Ms.Suneetha
For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 28.12.2020, thereby rejected the approval to the appointment of Sharmila Begum as Secondary Grad Teacher in the year 2017.

2. The petitioner school is an aided Muslim minority institution. In the year 2017-18, six posts were sanctioned to the school. One of the post is Elementary School Headmaster and five posts were of Secondary Grade Teachers. In the year 2018-19, five posts were sanctioned to the petitioner's school i.e., one post of Elementary School Headmaster and four posts of Secondary Grade Teachers. One post of Secondary Grade Teacher was declared as surplus teacher for the year 2018-19. Once again during the year 2019-20 one another post was declared as surplus. However, in the year 2020-21, five posts were sanctioned and one post of Secondary Grade Teacher was declared as surplus.



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3. While being so, one Kamal Basha, who was appointed as Secondary Grade Teacher retired from service on reaching the age of superannuation on 31.05.2017. In that post, one Sharmila Begum was appointed as Secondary Grade Teacher, Tamil, in view of the retirement of the said Kamal Basha. Further, during the year 2018-19 one post was declared as surplus. For the year 2019-20 also there was five sanctioned. Therefore, the request for approval of appointment of the said Sharmila Begum as Secondary Grade Teacher was rejected. Hence, the petitioner School filed this present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of records revealed that during the year 2022-23, totally five post were sanctioned viz., one Elementary School Headmaster, there Secondary Grade Teacher and one vocation teacher for the language of Urdu. One Secondary Grade Teacher and one vocation teacher (Urdu) are vacant.

6. Considering the above facts and circumstances, the



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petitioner is directed to send fresh proposal for approval to the appointment of Sharmila Begum to the post of Secondary Grade Teacher of the petitioner's school with effect from 01.08.2023 within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the second and third respondents are directed to consider the said proposal and approve the appointment of Sharmila Begum in the post of Secondary Grade Teacher from 01.08.2023 within a period of four weeks thereafter. The said Sharmila Begum is entitled for salary arrears and other attendant benefits from 01.08.2023, in the post of Secondary Grade Teacher.

7. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

24.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
rts



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