



WEB COPY



W.P. No. 14308 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKARAVARTHY

**W.P. No. 14308 of 2022
and
W.M.P. Nos. 13540 and 13541 of 2022**

P.Sivakami

... Petitioner

-VS-

1. The Commissioner
Directorate of School Education
DPI Campus, College Road
Chennai – 600006.
2. The Chief Educational Officer
Chennai District
Egmore, Chennai – 600008.
3. The District Educational Officer
Chennai South Education District
Egmore, Chennai – 600008.
4. The Correspondent
Karnataka Sanga Higher Secondary School
No.111, Habibulla Road
T.Nagar, Chennai – 600017.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent in O.Mu.No.8742/A4/2021 dated 16.11.2021 and to quash the same and consequently directing the respondents to approve the appointment of the



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petitioner in the post of B.T.Assistant (Maths) in the fourth respondent school with effect from 20.01.2021 with all consequential and other attendant benefits including arrears of salary, within a time frame to be fixed by this Court.

For Petitioner : Mr. S.Nedunchezhiyan

For Respondents : Mrs. S.Mythreye Chandru
SGP (Edu) (R2)

R1, R3 & R4 – No appearance

ORDER

When the matter came up for hearing, the learned counsel appearing on either side made a submission that the matter is squarely covered by the judgment of this Court in W.P. No. 2115 of 2013, which is also followed in W.P. No. 4021 of 2023. The relevant portion is extracted hereunder for ready reference:-

“6. This Court had an occasion to deal with the very similar issue in W.P.No.2115 of 2013 and the following order was passed by this Court.

8. It is not necessary for this Court to go into the merits of the case, since the entire issue is focused on the applicability of G.O.Ms.No.165, dated 17.09.2019. The Division Bench of this Court in W.A.(MD) Nos.76 etc., of



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2019 has considered the issue in detail and final orders have been passed on 31.03.2021. A series of directions have been issued by the Division Bench. The Division Bench has declared that the G.O.Ms.No.165, dated 17.09.2019 is declared to be inoperative. In view of the same, the very basis on which the impugned order has been passed by the 4th respondent on 27.09.2022, becomes unsustainable.

9. In the light of the above discussion, the impugned proceedings of the 4th respondent dated 27.09.2022, is hereby quashed. There shall be a direction to the 4th respondent to consider the request made by the petitioner School for approving the appointment of the B.T. Assistant. If any Special Leave Petition is pending in this regard, such approval can be granted subject to the result of the Special Leave Petitions before the Apex Court. This exercise shall be completed by the 4th respondent, within a period of four weeks from the date of receipt of copy of this order.

7. This writ petition can also be disposed of in the above



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terms. Hence, the impugned proceedings of the 4th respondent dated 24.12.2020, is hereby quashed. There shall be a direction to the petitioner to make a fresh representation to the 4th respondent along with all the relevant documents and also a copy of this order. The 4th respondent is directed to grant approval for the appointment and it can be made subject to the result of the Special Leave Petitions, pending before the Apex Court. This process shall be completed by the 4th respondent, within a period of four weeks from the date of receipt of the fresh representation from the petitioner.”

In view thereof, the present writ petition is also allowed on the same terms. No costs. It is made clear that the respondents shall pass necessary orders and also release the benefits within a period of eight(8) weeks from the date of receipt of a copy of this order.

10.04.2024

Index: Yes/No

NCS: Yes/No

Speaking order /Non-speaking order

Maya

To

1. The Commissioner



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D.BHARATHA CHAKARAVARTHY, J.

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