



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25354 of 2024
and W.M.P.No.27706 of 2024

Mrs.V.Farzana Tabbasum

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound, College Road,
Chennai – 6.

2.The Chief Educational Officer (Secondary)
Thirupathur District,
Thirupathur.

3.The District Educational Officer,
Thirupathur District,
Thirupathur.

4.The Block Educational Officer,
Vaniyambadi,
Thirupathur.

5.Khaderia Higher Secondary School,
Rep. by its Correspondent,
No.111, Jinna Road,
Khaderpet, Vaniyambadi,
Thirupathur District – 635 751.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 3rd respondent in O.Mu.No.001430/A3/2024 dated 23.5.2024 and quash the same and consequently direct the respondents 1 to 4 to approve the appointment of petitioner as B.T. Assistant (Urdu) in the 5th respondent School, with effect from 01.09.2023 with all consequential and monetary benefits.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader for R1 to R4

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 23.05.2024 and for a consequential direction to respondents 1 to 4 to approve the appointment of the petitioner as B.T. Assistant (Urdu) in the 5th respondent School w.e.f., 01.09.2023 and for paying all consequential and monetary benefits.

2.Heard Mr.S.N.Ravichandran, learned counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of respondents 1 to 4.



3.The case of the petitioner is that the 5th respondent School is an Aided Religious and Linguistic Minority School. The 5th respondent is receiving grant in aid from the State Government up to 10th standard and the higher secondary course is run under the self-finance scheme. A vacancy arose in the post of B.T.Assistant (Urdu) in the 5th respondent School. This is a sanctioned post as is evident from the fixation of staff strength done by the competent authority.

4.The 5th respondent School appointed the petitioner in the post of B.T.Assistant (Urdu). The proposal was forwarded by the 5th respondent School to the 3rd respondent. The 3rd respondent through the impugned proceedings dated 23.05.2024, rejected the approval and had returned back the file to the 5th respondent School. Aggrieved by the same, the present writ petition has been filed before this Court.

5.When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of respondents 1 to 4 based on instructions, submitted that the proposal that is forwarded by the 5th respondent School for approval of the appointment of the petitioner will be dealt with by the 2nd respondent in line with the



instructions issued by the Government dated 10.05.2024. In the light of the above submission, the impugned proceedings of the 3rd respondent dated 23.05.2024, is hereby quashed. There shall be a direction to the 5th respondent School to once again forward the entire file to the 3rd respondent. The 3rd respondent in turn shall place it before the 2nd respondent. The 2nd respondent shall deal with the same in line with the instructions given by the Government in letter dated 10.05.2024. A final decision shall be taken within a period of six weeks after the files are forwarded by the 5th respondent School.

6. In the result, this writ petition is allowed with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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N. ANAND VENKATESH, J.

SSR

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