



Writ Petition No.26466 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26466 of 2024

and

W.M.P.No.28929 of 2024

S.Anandaraj

S/o.Subramanium

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

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

3.The District Educational Officer (Secondary),
Cuddalore Educational District,
Cuddalore.

4.The Correspondent,
Danish Mission Higher Secondary School,
Nellikupam, Cuddalore - 607 105.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings issued by the second respondent by proceeding Na.Ka.No.10852/A2/2022 dated 04.01.2023 and to quash



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the same and consequently, direct the respondents 2 and 3 to re-fix the staff fixation in the fourth respondent school for the academic year 2022-2023 in the post of B.T.Assistant (Maths), then to approve the appointment of the petitioner in the post of B.T.Assistant (Maths) in the fourth respondent School from the date of appointment on 01.02.2021 with all consequential and attendant benefits including the payment of salary from the date of appointment along with interest within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Sarath Chandran

For Respondents : Mr.C.Prabhakaran
Government Advocate [R1 to R3]
Mr.G.Meganathan [R4]

ORDER

This writ petition has been filed challenging the proceedings of the second respondent dated 04.01.2023 which pertains to staff fixation in the fourth respondent school and for a direction to respondents 2 and 3 to re-fix the staff fixation in the fourth respondent school for the academic year 2022-23 and to approve the appointment in the post of BT Assistant (Maths) from the date of appointment on 01.02.2021 with all consequential and attendant benefits.

2. Heard Mr.S.Sarath Chandran, learned counsel for petitioner,



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Mr.C.Prabhakaran, learned Government Advocate appearing for respondents 1 to 3 and Mr.G.Meganathan, learned counsel for fourth respondent.

3. The case of the petitioner is that he was selected and appointed as B.T.Assistant (Maths) in the fourth respondent school on 01.02.2021. The fourth respondent school forwarded the proposal to the third respondent for approval of appointment. The same was not considered and it was returned by citing G.O.Ms.No.165, dated 17.09.2019.

4. The grievance of the petitioner is that the fourth respondent forwarded a separate proposal to consider re-fixation in the post of B.T.Assistant (Maths) by taking into consideration the prevailing students strength. However, the impugned proceedings dated 04.01.2023 came to be issued by the second respondent. The same has been put to challenge in the present writ petition.

5. In the considered view of this Court, the person, who must be



actually aggrieved with the staff fixation is the fourth respondent school.

However, the fourth respondent school is agitating the issue through the petitioner, who was a B.T.Assistant appointed by the school in the year 2021.

6. On carefully going through the affidavit filed in support of the writ petition, it is stated that there is sufficient increase in the students strength in the fourth respondent school and therefore, there is a need for reconsideration of staff fixation.

7. There is no material available before this Court to show that the fourth respondent school, after receipt of the staff fixation order dated 04.01.2023, made any representation to the authorities by showing the increase in students strength and had sought for the review of the staff fixation order. In the absence of the same, this Court cannot act on the *ipse dixit* of the petitioner.

8. In view of the above, the relief as sought for in this writ petition cannot be granted by this Court. It is left open to the fourth respondent school to make an individual representation to second



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respondent seeking for re-fixation of the staff strength by providing all necessary particulars/materials. On receipt of the same, it is left open to the second respondent to deal with the same on its own merits and in accordance with law and necessary orders shall be passed within a period of six (6) weeks from the date of receipt of the fresh representation from the fourth respondent school.

This writ petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

06.09.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

To

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

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

N.ANAND VENKATESH, J

gm



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3.The District Educational Officer (Secondary),
Cuddalore Educational District,
Cuddalore.

4.The Correspondent,
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