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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.28775 of 2024
and W.M.P.Nos.31396 & 31398 of 2024

J.Gracy Mary

... Petitioner

Vs.

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

2.The District Educational Officer,
Gudalur,
Nilgris District.

3.The Block Educational Officer,
Gudalur,
Nilgris District.

4.T.E.L.C. Aided Primary School,
Represented by its Correspondent,
Kolapadi,
Cherambadi,
Nilgris District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance



of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in Na.Ka. No.2740/A5/2023 dated 23.01.2024 and quash the same and accordingly direct the respondents to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the 4th respondent school with effect from 21.2.2017 with all consequential monetary and service benefits.

For Petitioners : Ms.Dhakshayini Reddy
Senior Counsel for
Ms.S.Suneetha

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 23.01.2024 and for a direction to the respondents to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the 4th respondent School w.e.f., 21.02.2017.

2.Heard Ms.Dhakshayini Reddy, learned Senior Counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of respondents 1 to 3.



3.The case of the petitioner is that the 4th respondent School is a minority School. The School got into various litigations and hence, an Administrator was appointed and that post was held by the former Judge of this Court. The post of Secondary Grade Teacher fell vacant, since the incumbent was promoted. In view of the same, an order of appointment was issued in favour of the petitioner by the Administrator on 17.02.2017. The order of appointment was to take effect from 21.02.2017. The petitioner started working in that post.

4.The grievance of the petitioner is that repeated representations were given by the 4th respondent for granting approval for the appointment of the petitioner. In spite of the same, only in the year 2024, the 3rd respondent through the impugned proceedings dated 23.01.2024, rejected the proposal mainly on the ground that the petitioner was appointed in the year 2017 and the approval cannot be granted in the year 2024 and that the approval was received with an unexplained delay only in the year 2023. Aggrieved by the same, the present writ petition has been filed before this Court.

5.On going through the materials placed before this Court, it is seen that the Judge Administrator had appointed the petitioner in the post of Secondary Grade



Teacher on 17.02.2017. The fact that the petitioner was working in the School is quite evident from the Inspection Report submitted by the Block Educational Officer on 15.09.2017. That apart, it is also material to take note of the proceedings of the District Educational Officer, dated 13.06.2019, wherein, for yet another transfer that took place and which was authorized by the Judge Administrator, approval was granted. In fact, this transfer had resulted in a vacancy and the vacancy was filled up by the petitioner.

6.The 4th respondent School has made repeated representations seeking for the approval of the appointment of the petitioner from the year 2019 onwards. All of a sudden, the impugned proceedings came to be passed in the year 2024, rejecting the approval for appointment of the petitioner in the post of Secondary Grade Teacher.

7.The impugned order passed by the 3rd respondent, on the face of it, is illegal. The petitioner has been working in the School from the year 2017 onwards based on the appointment order issued on the Court Administrator. The appointment of the petitioner has been acknowledged by the Inspection Report submitted by the Block Educational Officer. The vacancy in which the petitioner was appointed was as a result of transfer and this transfer has been approved by the District Educational



Officer. While so, the appointment of the petitioner in that vacant post should be automatically approved and there is no question of rejecting the same. That apart, the 4th respondent School has been giving repeated representations from 2019 onwards and therefore, it is not as if the School did not follow up with the approval for the petitioner. The 3rd respondent has given yet another reason in the impugned order as if the petitioner has not cleared TET. The 4th respondent School is a minority School and therefore, there is no need for clearing the TET. The law on this issue has been reiterated by the Division Bench of this Court recently in W.A.(MD)No.1414 of 2024 by an order dated 23.08.2024. Therefore, this reasoning also is unsustainable.

8.In the light of the above discussion, this Court has absolutely no hesitation to interfere with the impugned proceedings of the 3rd respondent dated 23.01.2024 and accordingly, the same is hereby quashed. There shall be a direction to the 3rd respondent to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the 4th respondent School from the date of her appointment with all consequential monetary and service benefits. This process shall be completed by the 3rd respondent, within a period of eight weeks from the date of receipt of copy of this order.



N. ANAND VENKATESH, J.

SSR

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9. In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

30.09.2024

Internet : Yes / No
Index : Yes / No
Speaking Order / Non Speaking Order
SSR

To

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