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WA No.3154 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2024

CORAM:

THE HON'BLE MR.JUSTICE.D. KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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1.The Commissioner
School Education, DPI campus,
Chennai- 600 009.

2.The Chief Educational Officer,
Vellore District

3.The District Educational Officer,
Vellore District

: Appellants

Versus

1.Rameeza Oriental Arabic Girls High school
Rep. by its Correspondent,
P.M.Abdul Jameel

2.V.M.Safiama

: Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge
in WP No.18958 of 2022 dated 15.03.2024.

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For the Appellants : Mr.J.C.Durairaj
Additional Government Pleader

For the Respondents : Mr.S.N.Ravichandran

JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The Writ Appeal is filed against the order of the learned Single Judge in WP No.18958 of 2022 dated 15.03.2024.

2. By consent of parties, this writ appeal is taken up for final disposal.

3. According to the appellant department, the proposal submitted by the respondent management for appointment of the second respondent in the post of BT Assistant Maths, has been rejected on the ground that as per G.O.Ms.No.165 dated 17.09.2019, no teachers to be appointed without



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fulfilling the surplus teachers. Challenging the same, the respondent management and second respondent filed writ petition. The writ court, by relying upon an interim order passed in a batch of writ appeals in W.A.(MD) No.76 of 2019, etc, batch, wherein it is clearly stated that the order of the writ court is set aside and remitted back to the authority concerned to consider in the light of the relevant rules at the relevant point of time, without taking into consideration G.O.Ms.No.165 dated 17.09.2019. But the learned Single Judge has passed the positive order by directing the appellant department to approve the appointment of the second respondent in the post of B.T.Assistant (Maths) with effect from 05.12.2011 with all service and monetary benefits within a period of four weeks from the date of receipt of a copy of that order. Aggrieved by the same, the appellant Department has filed the present writ appeal.

4. Learned counsel for the respondents also agreed that appropriate orders to be passed in the light of W.A.(MD) No.76 of 2019, etc, batch.



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5. By considering the submissions of the parties concerned, this Court modifies the order of the writ court as follows:

i) A positive order has been passed by the writ court, instead of that, this Court directs the second appellant to consider the proposal submitted by the respondent management dated 23.04.2012 and to take appropriate decision in the light of Government orders and as per the Rules as existing during the relevant point of time without taking note of G.O.Ms.No.165 dated 17.09.2019 and to pass appropriate orders, as early as possible, within a period of twelve weeks from the date receipt of a copy of this order.

6. The writ petition is disposed of with the above modification. There shall be no order as to costs. Consequently. CMP No.24195 of 2024 is closed.

(D.K.K.J.) (P.B.B., J.)
30.10.2024

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(mrn)

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