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W.P.No.31666 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31666 of 2024

S.Abraham Arunodhayam

.. Petitioner

Vs.

- 1.The Secretary,
School Education, Government of Tamil Nadu,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Complex,
College Road, Chennai – 600 006.
- 3.The Joint Director,
Elementary Education (Aided Schools),
DPI Complex, College Road,
Chennai – 600 006.
- 4.The District Educational Officer,
(Elementary Education),
Pariamet Range, Lady Wellington Campus,
Triplicane, Chennai – 600 005.
- 5.The Block Educational Officer,
Periamet Range, North Chennai,
Royapuram, Chennai – 600 013.
- 6.The Correspondent,
C.S.I. Diocese of Madras,
Primary Middle School, No.58, Mulla Street,
Sowcarpet, Chennai – 600 079.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceeding of the 4th respondent in Na.Ka.No.709/ஆ2/2024, dated 25.04.2024 and quash the same and further direct the respondents to approve the proposal for the appointment of the petitioner as B.T.Assistant in Science Subject at C.S.I.(M.M) Middle School, No.58, Mullah Street, Sowcarpet, Chennai – 600 079 and further direct the respondents to pay the arrears of salary from the date of his appointment namely 02.08.2021 and future salary and other attendant benefits payable to the petitioner.

For Petitioner : Mr.P.K.Sabapathi

For RR 1 to 5 : Mrs.S.Mythreye Chandru
Special Government Pleader (Edn)

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent dated 25.04.2024 and for a consequential direction to the respondents to approve the proposal for the appointment of the petitioner as B.T.Assistant (Science) in the 6th respondent School with all attendant benefits.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 5.



3.The case of the petitioner is that he joined as B.T.Assistant (Science) in the 6th respondent School on 02.08.2021. The 6th respondent School is a Christian minority aided institution. According to the petitioner, the appointment was made in a sanctioned post in the available vacancy. However, when the proposal was sent to the 4th respondent, the 4th respondent based on some report, rejected the proposal on the ground that there are excess teachers available under the same management and he should not be accommodated in the said post. Pursuant to the above, the 6th respondent had sent atleast five representations starting from 20.05.2024 and ending on 01.08.2024, specifically stating that there are no excess teachers available in other Schools under the same management. Since, the same was not considered, the present writ petition has been filed before this Court.

4.In the considered view of this Court, after the impugned order was passed by the 4th respondent, the 6th respondent School has been repeatedly making representations stating that there are no excess teachers available in other Schools under the same management. When such representations are made, the Educational Authority will have to deal with the same and inform as to whether any excess teachers are



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available or in the absence of the same, the earlier order passed by the 4th respondent dated 25.04.2024 has to be re-considered. The inaction on the part of the Educational Authorities cannot leave the situation in limbo.

5.In view of the above, there shall be a direction to the 4th respondent to deal with the representations made by the 6th respondent School and verify if there are any excess teachers available in the other Schools under the same management. In the absence of the same, the order passed through proceedings dated 25.04.2024 has to be necessarily re-considered and the approval should be given for the appointment of the petitioner with effect from the date of the appointment, if the petitioner satisfies all the other requirements. This process shall be completed by the 4th respondent within a period of six (6) weeks from the date of receipt of a copy of this order.

6.Accordingly, this Writ Petition is disposed of with the above directions. No costs.

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Internet : Yes / No
Neutral Citation : Yes / No

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N.ANAND VENKATESH, J.

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