



W.P.No.35635 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35635 of 2023

and

W.M.P.No.35580 of 2023

P.Jenifer Anita

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

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

3.The District Educational Officer (Anglo-Indian),
The office of the District Educational Officer,
No.9, Kamarajar Salai,
Triplicane, Chennai – 05.

4.The Correspondent,
Holy Angels Anglo-Indian Higher Secondary School,
107, Sir Theyagaraya Road,
T.Nagar, Chennai – 600 017.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India
for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to



W.P.No.35635 of 2023

accord approval to the appointment of the petitioner Mrs.P.Jenifer Anita, working as B.T.Assist (English) in the 4th respondent Holy Angel's Anglo Indian Higher Secondary School, 107, Sir Theyagaraya Road, T.Nagar, Chennai – 600 017, w.e.f. 20.10.2020 with all service and monetary benefits.

For Petitioner : Mr.Father Xavier Arul Raj,
Senior Counsel
for Father Xavier Associates
For R1 to R3 : Mr.S.Arumugam
Government Advocate

ORDER

This Writ Petition has been filed for direction directing the respondents 1 to 3 to accord approval to the appointment of the petitioner as B.T.Assistant (English) in the 4th respondent School.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as B.T.Assistant (English) in the 4th respondent School in the vacancy arising out the transfer of one Pimina. The 4th respondent School is one of the Anglo-Indian Schools. It is governed under the Code of Regulations for the Anglo-Indian



W.P.No.35635 of 2023

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Schools. The Tamil Nadu Minority Aided Schools (Recognition and Payment of Grant) Rules 1977 would also be applicable in respect of administration of Anglo-Indian Schools. However, the payment of grant for Anglo-India Schools is annually disbursed, unlike the other Tamil Medium Aided Schools. It is called 'deficit grant'. It is paid as against the salary of the sanctioned and approved posts of the teaching and non teaching staff in the 4th respondent School. Though their salary is directly paid, it cannot be paid till the 3rd respondent approves the appointment as permissible within staff fixation. After inspection, the vacancy position is verified and the 4th respondent School is enabled to proceed with the appointment in the sanctioned posts, without waiting for prior permission to keep the education on track. The 4th respondent, after appointment of the petitioner as B.T.Assistant (English), had sent a proposal for approval to the competent authority on 20.10.2020 along with relevant documents and records. However, it was not considered and as such, the 4th respondent School once again re-submitted the proposal on 04.10.2023, which is pending with the 3rd respondent School.



W.P.No.35635 of 2023

WEB COPY

4. Considering the facts and circumstances of the case, the third respondent is directed to consider the proposal sent by the 4th respondent for approval of appointment of the petitioner as B.T.Assistant (English) on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

No costs.

04.01.2024

Internet : Yes
Index : Yes/No
Lpp

To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.

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



W.P.No.35635 of 2023

WEB COPY

3. The District Educational Officer (Anglo-Indian),
The office of the District Educational Officer,
No.9, Kamarajar Salai,
Triplicane, Chennai – 05.



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W.P.No.35635 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.35635 of 2023
and
W.M.P.No.35580 of 2023

04.01.2024