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W.P.No.36073 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.36073 of 2023
and
W.M.P.No.36033 of 2023

Sr.J.Alice

...Petitioner

-Vs-

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George,
Madras – 600 009.
- 2.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
District Collectorate Campus,
Tiruppur,
Tiruppur District – 641 604.
- 4.The District Educational Officer,
Office of the District Educational Officer,
District Collectorate Campus,
Tiruppur,
Tiruppur District – 641 604.



W.P.No.36073 of 2023

5.The Correspondent,
St.Aloysius Girls Higher Secondary School,
Dharapuram,
Tiruppur District – 638 656.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to issue orders, approving the appointment of the petitioner, Sr.J.Alice, working as B.T.Assist (Maths) in the 5th respondent St.Aloysius Girls Higher Secondary School, Dharapuram, Tiruppur District – 638 656 with effect from 15.10.2020 and release salary with all service and monetary benefits.

For Petitioner : Mr.Father Xavier Arul Raj
Senior Counsel for
M/s.Father Xavier Associates

For R1 to R4 : Mr.S.Arumugam
Government Advocate

ORDER

This Writ Petition has been filed for a direction directing the respondents 1 and 4 to grant approval of appointment of the petitioner to the post of B.T.Assistant (Maths) in the fifth respondent School.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4 and perused the materials available on record.



W.P.No.36073 of 2023

WEB COPY

3. The petitioner was appointed as B.T.Assistant (Maths) in the sanctioned post as per staff fixation order issued by the third respondent for the academic year 2019-2020 as well as for the year 2023-2024 in the fifth respondent School. After her appointment, the fifth respondent had sent a proposal for approval of appointment of the petitioner in the post of B.T.Assistant (Maths) with effect from 15.10.2020 to the fourth respondent on 16.10.2020. However, the fourth respondent, by its proceedings dated 08.03.2022, returned the proposal on the ground that as per interim orders granted by this Court in W.A.(MD) No.76 of 2019 and subsequent Government order in G.O.Ms.No.165, School Education Department, dated 20.09.2019, no recruitment can be made in the teaching post till the surplus teachers working in other schools are deployed. However, G.O.Ms.No.165 has been declared as inoperative and unenforceable by the Hon'ble Madurai Bench of this Court in W.A.(MD) No.76 of 2019, by an order dated 09.04.2019. Pursuant to the said order, the fifth respondent, once again re-submitted the proposal seeking approval of the appointment of the petitioner to the post of B.T.Assistant (Maths), which is pending and so far no order has been passed.

4. Considering the above, the respondents 1 to 4 are directed to



W.P.No.36073 of 2023

consider the proposal sent by the fifth respondent for approval of appointment of the petitioner as B.T.Assistant (Maths), within a period of twelve 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

Speaking/Non Speaking order

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To

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

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

3.The Chief Educational Officer,
Office of the Chief Educational Officer,



W.P.No.36073 of 2023

District Collectorate Campus,
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WEB COPY

- 4.The District Educational Officer,
Office of the District Educational Officer,
District Collectorate Campus,
Tiruppur,
Tiruppur District – 641 604.
- 5.The Correspondent,
St.Aloysius Girls Higher Secondary School,
Dharapuram,
Tiruppur District – 638 656.

G.K.ILANTHIRAIYAN. J,

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WEB COPY



W.P.No.36073 of 2023

W.P.No.36073 of 2023
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