



W.P.No.1222 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM:

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

W.P.No.1222 of 2024

S.Antony Joseph

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Petitioner

Vs

1.The Chief Educational Officer,
Ariyalur District,
Ariyalur.

2.The District Educational Officer (Secondary),
Ariyalur Education District,
Ariyalur District.

3. The Correspondent,
Don Bosco Higher Secondary School,
Varadarajanpet 621 805,
Ariyalur District.

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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 and 2 to pass orders for granting approval of appointment of the petitioner in the sanctioned post of B.T.Assistant (History) in the third respondent School from the date of appointment with effect from 02.08.2021 with all consequential and other attendant benefits, including payment of arrears of salary from the date of appointment, based on the proposal resubmitted by the third respondent School in Ref.No.21/2022-2023 dated 27.02.2023, within a time frame to be fixed by this Court.



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For Petitioner : Mr.S.Nedunchezhiyan

For R1 & R2 : Mr.S.Arumugam
Government Advocate

ORDER

This Writ Petition has been filed for a direction directing the respondents 1 and 2 to grant approval of appointment of the petitioner to the post of B.T.Assistant (History) in the third respondent School.

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

3. The petitioner was appointed as B.T.Assistant (History) in the sanctioned post as per staff fixation order issued by the first respondent for the academic year 2019-2020 as well as for the year 2023-2024 in the third respondent School. After her appointment, the third respondent had sent a proposal for approval of appointment of the petitioner in the post of B.T.Assistant (History) with effect from 02.08.2021. By the proceedings dated 01.11.2022, the said proposal was



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forwarded to the first respondent by the second respondent. However, the first respondent, by its proceedings dated 13.01.2022, 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 17.09.2019, 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 31.03.2021. Pursuant to the said order, the third respondent, once again re-submitted the proposal seeking approval of the appointment of the petitioner to the post of B.T.Assistant (History), which is pending and so far no order has been passed.

4. Considering the above, the respondents 1 and 2 are directed to consider the proposal sent by the third respondent for approval of appointment of the petitioner as B.T.Assistant (History), within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition stands
disposed of. No costs.

22.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

1.The Chief Educational Officer,
Ariyalur District,
Ariyalur.

2.The District Educational Officer (Secondary),
Ariyalur Education District,
Ariyalur District.



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G.K.ILANTHIRAIYAN. J,

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