



WEB COPY



W.P.(MD)No.2939 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.2939 of 2021

and

W.M.P.(MD)No.2371 of 2021

I.Anburani

: Petitioner

Vs.

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

2.The District Educational Officer,
District Educational Office,
Tirumangalam,
Madurai District.

3.The Correspondent,
Pasumalai Higher Secondary School,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the second respondent vide order dated 27.12.2019 in Na.Ka.No.7331/A1/2019 and quash the same and consequently direct the second respondent to approve the appointment of the petitioner, Mrs.I.Anburani as



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B.T.Assistant (Science) in the third respondent school with effect from date of her appointment ie., from 09.08.2019 with all monetary and service benefits within a stipulated time fixed by this Court.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents 1 & 2 : Mr.T.Amjad Khan

Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 27.12.2019 passed by the second respondent rejecting the third respondent school's proposal seeking for approval of the appointment of the petitioner as B.T.Assistant in the third respondent school on the ground that as per G.O.Ms.No.165 [School Education SE2(1) Department] dated 17.09.2019, the approval sought for by the third respondent school cannot be granted.

2.It is now brought to the notice of this Court by the learned Government Advocate appearing for the official respondents as well as the learned Counsel for the petitioner that G.O.Ms.No.165 [School Education SE2(1) Department] dated 17.09.2019 has now become inoperative in view of the order passed in W.A.(MD)No.76 of 2019 etc., batch dated 21.03.2021.

3.Since G.O.Ms.No.165 [School Education SE2(1)

Department] dated 17.09.2019, which is the reason for rejection of



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the third respondent's proposal seeking to approve the petitioner as B.T.Assistant has now become inoperative, necessarily the impugned order has to be quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.

4.For the foregoing reasons, the impugned order dated 27.12.2019 passed by the second respondent is hereby quashed and the matter is remanded to the first respondent for fresh consideration on merits and in accordance with law. The first respondent shall pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order.

5.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE, J.

MR

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