



W.P.(MD)No.3345 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.3345 of 2024 &
W.M.P.(MD)No.3327 of 2024

The Secretary,
Karapettai Nadar Higher Secondary School,
Thoothukudi,
Thoothukudi District - 628 001.

... Petitioner

vs.

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

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

3.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.

4.The District Educational Officer,
(Secondary Education),
Thoothukudi,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent Chief Educational Officer to approve forthwith to the appointment of R.Muthu



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Ganesh as PG Assistant (Chemistry) in the petitioner-school w.e.f. 01.11.2023 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.Ragatheesh Kumar, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

2. The petitioner School has filed this petition seeking to issue a Writ of Mandamus directing the third respondent to approve forthwith to the appointment of R.Muthu Ganesh as PG Assistant (Chemistry) in their School with effect from 01.11.2023 with all attendant benefits including arrears of salary and allowances.

3. The petitioner School has appointed one R.Muthu Ganesh as



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PG Assistant (Chemistry) with effect from 01.11.2023. Subsequently, the petitioner School has submitted a proposal to the third respondent through the fourth respondent on 04.11.2023 for approval of appointment. Since no orders were passed in the proposal, the petitioner School has come up with this writ petition.

4. Mr.K.Ragatheesh Kumar, learned counsel appearing for the petitioner School submitted that the appointment of R.Muthu Ganesh as PG Assistant (Chemistry) was made only after obtaining prior permission from the third respondent.

5. The learned counsel for the petitioner relied on the Judgment of this Court dated 14.06.2023 in W.P.(MD)No.12909 of 2021, wherein, it is held that all those appointments which have been made after getting permission from the authorities concerned, cannot be viewed negatively for the sake of approval.



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6. Since the appointment of R.Muthu Ganesh as PG Assistant (Chemistry) has been made after getting prior permission from the third respondent, I feel that there is no need to withhold the approval of the said appointment.

7. In view of the above observations, the writ petition is **disposed of** and the third respondent is directed to pass appropriate orders on the proposal submitted by the petitioner School for approval of appointment of R.Muthu Ganesh as PG Assistant (Chemistry) with effect from 01.11.2023 within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

26.06.2024

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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Department of School Education,
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R.N.MANJULA, J.

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