



W.P.(MD)No.4409 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.4409 of 2024 &
W.M.P.(MD)No.4237 of 2024

J.Grace Nirmala
B.T. Assistant (Science)
St.Joseph's Girls Higher Secondary School
Kumbakonam - 612 001
Thanjavur District.

... 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,
The Office of the CEO,
Thanjavur District - 613 001.
- 4.The District Educational Officer,
The Office of the DEO,
Kamatchi Josiyar Street,
Opp. to CUB,



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Kumbakonam
Thanjavur District - 612 001.

5.The Correspondent

St.Joseph's Girls Higher Secondary School
Kumbakonam - 612 001
Thanjavur District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent Chief Educational Officer herein to approve forthwith the petitioner's appointment as B.T. Assistant (Science) with effect from the date of the petitioner's appointment viz., 01.06.2020 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Ms.S.Amala Irudhaya Mary

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1 to R4

ORDER

Heard Ms.S.Amala Irudhaya Mary, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 to 4.



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2. The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the third respondent to approve forthwith her appointment as B.T. Assistant (Science) in the fifth respondent School with effect from the date of her appointment viz., 01.06.2020 with all attendant benefits including the arrears of salary and allowance.

3. The petitioner has been appointed as B.T. Assistant (Science) in the fifth respondent School on 01.06.2020. A proposal that has been sent by the fifth respondent School for approval of the petitioner's appointment was returned in the month of July 2021 by mentioning the orders of this Court in W.A.(MD)No.76 of 2019 and batch dated 09.04.2019 and W.P.No.31575 of 2019 dated 08.11.2019. However, subsequent to the final orders passed in ***W.A.(MD).No.76 of 2019 batch dated 31.03.2021*** in the case of ***The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 vs Iruthaya Amali [Iruthaya Amali's case]***, the fifth respondent School has sent a fresh representation to the fourth respondent on 01.02.2024 requesting to approve the appointment of the



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petitioner. However, till date, approval was not accorded. Hence, the writ petition.

4. Ms.S.Amala Irudhaya Mary, learned counsel appearing for the petitioner submitted that the petitioner has been appointed as against the sanctioned post and as on the day when the petitioner was appointed in the fifth respondent School, there was no surplus either in the fifth respondent School or in the corporate Management, under which the fifth respondent School falls.

5. In such case, there will be no difficulty for the third respondent to accord approval to the appointment of the petitioner as B.T. Assistant (Science) in the fifth respondent School with effect from 01.06.2020.

6. In view of the above observations, the writ petition is **disposed of** and the respondents 3 and 4 are directed to consider the representation submitted by the fifth respondent School dated 01.02.2024



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and pass orders in accordance with law 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

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

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To

- 1.The 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,
The Office of the CEO,
Thanjavur District - 613 001.
- 4.The District Educational Officer,
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Kamatchi Josiyar Street,
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R.N.MANJULA, J.

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