



W.P(MD)No.5156 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.5156 of 2024

and

W.M.P(MD)No.4934 of 2024

J.Catherin Prapha

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented 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 fo the CEO,
Panagul Building,
Thanjavur District-613 001.

4.The District Educational Officer,
The Office of the DEO,
Childrens Park Campus,
Thanjavur District-613 001.

5.The Correspondent,
Sacred Heart Hr.Sec School,
Michaelpatti-613 104,
Thanjavur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent Chief Educational Officer herein to approve forthwith the petitioner's appointment as B.T.Asst (English) w.e.f. the date of the petitioner's appointment viz 06.06.2018 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : M/s.S.Amala Irudhaya Mary

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 3rd respondent Chief Educational Officer herein to approve forthwith the petitioner's appointment as B.T.Asst (English) w.e.f. the date of the petitioner's appointment viz 06.06.2018 with all attendant benefits including the arrears of salary and allowance.

2. The petitioner is working in the single post of B.T Assistant (English) in the 5th respondent school. The 5th respondent school is a recognised minority educational institution administered by the Congregation of Immaculate Heart



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of Mary, St.Joseph's Province, Tiruchirappalli. A Single post of B.T Assistant (English) was sanctioned in the year 1983 to the 5th respondent school. The said post fell vacant due to the transfer of L.Chithra Uthiriam on 05.06.2018. In that vacancy that had arisen due to the transfer, the petitioner was appointed as B.T Assistant (English) by the 5th respondent school with effect from 06.06.2018 and the petitioner joined on the same date. Thereafter, the 5th respondent school submitted a proposal to the 4th respondent on 27.12.2018 for the purpose of approval of the petitioner's appointment and disbursement of grant-in-aid towards her salary. The 4th respondent instead of forwarding the same to the Chief Educational Officer for approval, had returned the proposal by citing that the proposal could be considered only after getting staff fixation for 01.08.2018. In terms of the staff fixation for the academic year 2018-19, there was no surplus in the 5th respondent school and also in the corporate management. Despite the same, the appointment is not yet approved. Hence, this writ petition came to be filed.

3. The learned counsel for the petitioner submitted that there is neither any surplus in the 5th respondent school nor in the corporate management. He further submitted that the respondent who returned the proposal ought not



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to have returned the same seeking approval of the appointment and pressed for allowing the writ petition.

4. The learned Additional Government Pleader placed before this Court the proceedings of the Chief Educational Officer, Thanjavur which would reveal that there is no surplus teachers in the corporate management as on date.

5. Heard the learned counsels on either side and perused the materials available on record.

6. This Court has already dealt with a similar case in W.P(MD)No.8783 of 2023, dated 27.11.2023 and the relevant portion of the same is extracted as follows:

“3. Though the petitioner was appointed in the academic year 2014-2015, no staff fixation order has been issued for the said academic year. The fourth respondent has sent a communication to the third respondent on 02.11.2016 to the effect that there are no surplus Teachers in the fifth respondent Corporate Management for the academic year 2015-2016. Therefore, the third respondent is hereby directed to approve the appointment of the writ petitioner with effect from 07.10.2014 as B.T Assistant (Maths) with all



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attendant benefits and pass orders, within a period of twelve (12) weeks from the date of receipt of a copy of this order.”

7. Fully fortified by the discussion of this Court in the order cited supra, I am of the considered opinion that since there is no surplus either in the 5th respondent school or in the corporate management, under which the 5th respondent school is functioning, there cannot be any impediment for the Chief Educational Officer to approve the appointment of the petitioner.

8. In view of the same, this Court hereby direct the 3rd respondent to approve the appointment of the petitioner as B.T Assistant (English) with effect from 06.06.2018 with all benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

9. With the above said observations, this Writ Petition stands allowed.

No costs.

20.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To
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- 1.The Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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L.VICTORIA GOWRI, J.

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