



W.P.(MD).No.5209 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.5209 of 2024

and

W.M.P(MD).No.4995 of 2024

A.Yabesh

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Compound, College Road,
Chennai – 600 006.

2.The District Educational Officer (Elementary)
Tirunelveli, Tirunelveli District.

3.The Block Educational Officer,
Manur @ Rastha,
Tirunelveli District.

4.The Correspondent,
TDTA Primary School,
South Kattarnkulam,
Tirunelveli District – 627 201.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent herein vide proceedings in Na.Ka.No.1546/A5/2023 dated



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19.02.2024 and quash the same and further direct the 2nd respondent herein to approve the appointment of petitioner as Secondary Grade Teacher in the 4th respondent school w.e.f.,12.04.2023 and disburse grant-in-aid towards salary and other attendant benefits.

For Petitioner : Mr.A.Ajith Geethan

For R1 to R3 : Mr.M.Siddarthan
Additional Government Pleader

For R4 : Mr.G.Thalaimutharasu

ORDER

This Writ Petition has been filed seeking to quash the order of the 3rd respondent dated 19.02.2024 and further direct the 2nd respondent herein to approve the appointment of petitioner as Secondary Grade Teacher in the 4th respondent school w.e.f.,12.04.2023 and disburse grant-in-aid towards salary and other attendant benefits.

2. Heard Mr.A.Ajith Geethan, learned counsel for the petitioner, Mr.M.Siddarthan, learned Additional Government Pleader for the respondents 1 to 3 and Mr.G.Thalaimutharasu, learned counsel for the 4th respondent.



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3. Mr.A.Ajith Geethan, learned counsel for the petitioner submitted that the petitioner was appointed in the fourth respondent School as Secondary Grade Teacher on 12.04.2023 due to the promotion of previous incumbent Tmt.V.V.A.Jeyakumari as Headmistress on 17.08.2022. The fourth respondent School comes under the Corporate Management of TDTA. The proposal has been sent by the School to the third respondent requesting him to approve the petitioner's appointment and he refused to receive the proposal. In this regard, the petitioner has also preferred representation to the respondents 1 and 2 requesting them to direct the third respondent to receive the proposal. In pursuance thereof, the third respondent rejected the proposal through impugned order dated 19.02.2024. Aggrieved over the same, the petitioner has filed this Writ Petition challenging the order of rejection of the approval sent by the third respondent for approving the appointment of the petitioner. The reason for rejection as stated in the impugned order dated 19.02.2024 is that despite there being surplus posts available for deployment, the fourth respondent Management even before deploying the surplus teacher had appointed the petitioner afresh.



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4. However, Mr.A.Ajith Geethan, learned counsel for the petitioner submitted that the petitioner's appointment was made only after the surplus teachers were deployed and during the academic year 2022-2023, there are 13 surplus posts in the cadre of Secondary Grade Teachers. Even in the same year itself, all the 13 surplus identified in the cadre of Secondary Grade Teacher have been deployed in the various Schools under the same Management and hence, the petitioner shall not be considered as surplus.

5. Since the order has been passed without taking into account of the deployment already made by the fourth respondent School and as on the date of appointment of the petitioner, there was no surplus, the second respondent has to reconsider the proposal of the fourth respondent with regard to appointment of the petitioner to the post of Secondary Grade Teacher.

6. With the above observations, this Writ Petition is **disposed of** and the impugned order dated 19.02.2024 is set aside. The second respondent is directed to call for deployment details from the fourth



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respondent School as to the surplus teachers in the academic year 2022-2023 and after obtaining the same, reconsider the proposal and pass orders afresh within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

26.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

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DPI Compound, College Road,
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Nsr

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