



W.P.(MD)No.6227 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.6227 of 2024 &
W.M.P.(MD)No.5836 of 2024

J.Mary Steward Lydia
B.T. Assistant (Social Science)
Sacred Heart Hr. Sec School
Michaelpatti - 613 104
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,
Panagul Building,
Thanjavur District - 613 001.
- 4.The District Educational Officer,
The Office of the DEO,



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Children's Park Campus
Thanjavur District - 613 001.

5.The Correspondent
Sacred Heart Hr. Sec School
Michaelpatti - 613 104
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 (Social Science) with effect from the date of the petitioner's appointment viz., 01.06.2019 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.

2. The petitioner has filed this writ petition seeking to issue a



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Writ of Mandamus directing the third respondent to approve forthwith her appointment as B.T. Assistant (Social Science) in the fifth respondent School with effect from the date of her appointment viz., 01.06.2019 with all attendant benefits including the arrears of salary and allowance.

3. The petitioner has been appointed as B.T. Assistant (Social Science) in the fifth respondent School on 01.06.2019, in the vacancy that arose due to the retirement of D.Sagaya Mary, Secondary Grade Teacher on 31.05.2019. A proposal that has been sent by the fifth respondent School for approval of the petitioner's appointment was returned by the fourth respondent, by asking them to re-submit the proposal with the post upgradation order.

4. Ms.S.Amala Irudhaya Mary, learned counsel appearing for the petitioner submitted that the post of Secondary Grade Teacher would be automatically upgraded to B.T. Assistant as per the Government Orders in G.O.Ms.No.79, Secondary Education (U1) Department, dated 14.06.2002 and G.O.Ms.No.99, School Education Department, dated



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27.06.2006. It is her submission that though in a catena of Judgments, this Court has held that in view of the policy decision of the State, the upgradation is automatic and no prior permission from the authorities is required, the respondents 3 and 4 denied to accept the subsequent proposals of the fifth respondent School and insisted upon the upgradation order.

5. It is learnt that the third respondent has passed an order on 23.04.2024 by upgrading the post of Secondary Grade Teacher to the post of B.T. Assistant (Social Science) in the fifth respondent School.

6. 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 (Social Science) in the fifth respondent School.

7. In view of the above observations, the writ petition is **disposed of** and the fifth respondent School is directed to submit a fresh proposal in this regard within a period of two weeks from the date of



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receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the same and pass orders in accordance with law within a period of two weeks thereon. 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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R.N.MANJULA, J.

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