



W.P.(MD).No.9052 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9052 of 2024
and WMP(MD) No.8253 of 2024

S.Amir Fathia Sumaiya

... Petitioner

Vs

1. The Chief Educational Officer,
Chief Education Office,
Govt. Syed Murthza Hr. Sec. School Campus,
Maurai Road, Palakkarai,
Tiruchirappalli – 620 008,
Tiruchirappalli District.
2. The District Educational Officer (Elementary),
District Educational Office (Elementary),
Sengulam Colony, Mannarpuram,
Tiruchirappalli - 20.
3. The Block Educational Officer,
Tiruchy Urban, Block Educational Office,
Corporation Middle School, Woraiyur East,
Tiruchirappalli - 3.
4. The Correspondent,
Madarasa-E-Mohamedia Middle School,
1/3, Madurai Road, Palakkarai,
Tiruchirappalli – 620 008.

... Respondents



W.P.(MD).No.9052 of 2024

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No. 4248/A5/2023, dated 19.12.2023 issued by the 2nd respondent and quash the same and consequently direct the 1st respondent to consider the request, dated 13.11.2023 for conversion into one secondary grade post to BT Assistant (English) and approve the appointment of the petitioner by considering the proposal submitted by the Managment, dated 21.08.2023.

For Petitioner : Mr. D. Sakkaravarthi

For Respondents : Mr.M.Siddharthan (R1-R3)
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order in Na.Ka.No. 4248/A5/2023, dated 19.12.2023 issued by the 2nd respondent and consequently, direct the 1st respondent to consider the request, dated 13.11.2023 for conversion of one post of Secondary Grade Teacher into BT Assistant (English) and approve the appointment of the petitioner by considering the proposal submitted by the Managment, dated 21.08.2023.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1-3 and



W.P.(MD).No.9052 of 2024

the learned counsel appearing for the fourth respondent. Perused the materials available on record.

3.The petitioner was appointed as B.T.Assistant (English) in 4th respondent School on 01.06.2023. When the 4th respondent sent a proposal to the second respondent for approval, the same was rejected stating that S.L.P.No.15702 of 2021 is pending and further in some other writ appeal in W.A.320 of 2023, dated 20.11.2023, it has been stated that a School has to be considered as a single unit and if no surplus Teachers are identified, then approval has to be granted to those teachers, who were appointed by following the procedure. The petitioner claims that School does not come under the Corporate Management and it is a stand alone institution, under which, there is no surplus.

4.The petitioner claims that he has been appointed only against the sanctioned post and even the SLP No.15702 of 2021 that has been referred in the impugned order has been disposed, whereby, the Hon'ble Supreme Court has relegated the parties to approach this Court in order to deal with the issue in



W.P.(MD).No.9052 of 2024

the pending W.A(MD) No. 76 of 2019 etc., batch. In the said writ appeal, the

Division Bench has held as under:

“(i) Insofar as the teaching grant for the additional staff employed in the already aided school as on the academic year 1991-92, irrespective of the medium of instructions or irrespective of the students strength, as per the teacher pupil ratio as indicated above especially in the context of RTE Act and subsequent G.O issued in this regard, the staff fixation shall be made and for those additional teaching staff, who are pressed into service for additional standard or additional class started, from the academic year 2021-22, staff grant shall be sanctioned by the State Government as such sanctioning of staff grant will be the essential requirement to meet the object of the provisions of the RTE Act, otherwise, the Fundamental Right guaranteed to the children between the age of 6 and 14 studying in those schools would get affected.”

5.However, the petitioner claims that he is not aware whether the State has approached the High Court once again and any further order has been passed by the Division Bench. As stated in the impugned order as on today there is no proceedings pending before the High Court and hence, the second respondent is expected to pass orders afresh.



W.P.(MD).No.9052 of 2024

WEB COPY

6.Hence, the writ petition is allowed and the impugned order, dated 19.12.2023 in Na.Ka.No. 4248/A5/2023 is hereby set aside and the second respondent is directed to pass orders afresh by considering the fact that SLP No.15702 of 2021 filed before the Hon'ble Supreme Court got disposed and in consonance with the earlier judicial pronouncements of this Court in this regard, within a period of twelve (12) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.04.2024

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



W.P.(MD).No.9052 of 2024

WEB COPY

1. The Chief Educational Officer,
Chief Education Office,
Govt. Syed Murthza Hr. Sec. School Campus,
Maurai Road, Palakkarai,
Tiruchirappalli – 620 008,
Tiruchirappalli District.
2. The District Educational Officer (Elementary),
District Educational Office (Elementary),
Sengulam Colony, Mannarpuram,
Tiruchirappalli - 20.
3. The Block Educational Officer,
Tiruchy Urban, Block Educational Office,
Corporation Middle School, Woraiyur East,
Tiruchirappalli - 3.
4. The Correspondent,
Madarasa-E-Mohamedia Middle School,
1/3, Madurai Road, Palakkarai,
Tiruchirappalli – 620 008.



WEB COPY



W.P.(MD).No.9052 of 2024

R.N.MANJULA, J.

PNM

**ORDER IN
W.P.(MD).No.9052 of 2024
and WMP(MD) No.8253 of 2024**

12.04.2024