



W.P.(MD)No.10538 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.10538 of 2024
and
W.M.P.(MD).Nos.9449 & 9453 of 2024

R.Ruth (Office Assistant)

... Petitioner

Vs.

- 1.The Principal Secretary to the Government,
School Education Department,
Secretariat, St. George Fort.,
Chennai – 600 009.
- 2.The Chief Educational Officer,
Thoothukudi District – 628 002.
- 3.The District Educational Officer,
Thoothukudi District.
- 4.Eka Ratchagar Sabai Higher Secondary School,
Salaiputhur,
Thoothukudi District – 628 613.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling the impugned order in O.Mu.No.4516/M1/2021, dated 12.11.2021, on the file of 3rd respondent and quash the same as illegal and consequently directing the 3rd respondent to approve the appointment based on the represented proposal, dated 23.03.2023,



W.P.(MD)No.10538 of 2024

and to give approval to the petitioner in the post of office assistant in the 4th respondent school from the date of appointment i.e.01.02.2021, with all other service and attendant benefits.

For Petitioner : Mr.J.Lordwin Bino

For Respondents : Mr.T.Amjad Khan for R1 to R3
Government Advocate

ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the third respondent in O.Mu.No.4516/aa1/2021, dated 12.11.2021 and consequently, direct the third respondent to approve the appointment of the petitioner based on the represented proposal, dated 23.03.2023 and to give approval to the petitioner in the post of Office Assistant in the fourth respondent school from the date of appointment i.e. 01.02.2021, with all other service and attendant benefits.

2. Heard Mr.J.Lordwin Bino, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 to 3.

3. Mr.J.Lordwin Bino, learned counsel for the petitioner submitted that the petitioner who was appointed as 'Office Assistant' at the fourth respondent



W.P.(MD)No.10538 of 2024

School on 01.02.2021, has filed this Writ Petition, challenging the impugned order of the third respondent, dated 12.11.2021, in and by which the proposal already sent by the fourth respondent dated 23.09.2021 has been returned for complying certain remarks. Thereafter, the fourth respondent has submitted the proposal to the third respondent on 23.03.2023 to grant approval to the petitioner to be appointed as 'Office Assistant' in the fourth respondent School.

4. The issue involved in this matter is no more a *res-integra* in view of the judgment rendered 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 V. Iruthaya Amali.*** Even though the fourth respondent is a School coming under the Corporate Management, the appointment of the petitioner was made on 01.02.2021, which is prior to the judgment rendered in the Iruthayamali's case and hence the respondents have to positively consider the proposal sent by the fourth respondent with regard to the appointment of the petitioner and pass orders.

5. In the light of the decision cited supra, this Writ Petition is **allowed** and the impugned order passed by the third respondent in O.Mu.No. 4516/M1/2021, dated 12.11.2021, is set aside. The third respondent is directed



W.P.(MD)No.10538 of 2024

to consider the proposal sent by the fourth respondent dated 23.03.2023 and pass orders regarding approval of appointment of the petitioner as 'Office Assistant' with effect from 01.02.2021. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

29.04.2024

Index:yes/no

Internet:yes/no

Ncc : yes/no

TSG

To

- 1.The Principal Secretary to the Government,
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Chennai – 600 009.
- 2.The Chief Educational Officer,
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- 3.The District Educational Officer,
Thoothukudi District.



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W.P.(MD)No.10538 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.10538 of 2024

29.04.2024