



W.A.(MD)No.1128 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.(MD)No.1128 of 2024

and

C.M.P.(MD)No.8614 of 2024

1.The Director of School Education,
College Road,
Chennai – 600 006.

2.The District Education Officer,
Valliyur, Tirunelveli District.

3.The Chief Educational Officer,
Palayamkottai,
Tirunelveli District.

: Appellants

Vs.

1.H.Hussain Farook

2.The Correspondent,
Amir Jamal Higher Secondary School,
Idyankulam, Padmaneri Post Office,
Tirunelveli District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
praying to set aside the order dated 27.11.2023 in W.P.(MD)
No.23457 of 2023 and allow this Writ Appeal.



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For Appellants : Mr.S.Shaji Bino
Special Government Pleader
For Respondent : Mr.E.Mareeskumar

JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

This Writ Appeal has been directed against the order made in W.P.(MD)No.23457 of 2023, dated 27.11.2023.

2.The first respondent / writ petitioner was appointed as a Drawing Teacher at the second respondent school and a proposal dated 12.09.2023 had been sent to the appellants by the school for approval. However, the said proposal had been returned by the appellant department on the ground that since it is a Corporate Management, the approval of the Drawing Teacher cannot be made unless the re-deployment if it is possible is explored.

3.Challenging such kind of orders which was passed by the appellant department dated 05.08.2023, the first respondent / writ petitioner had filed the said writ petition which was considered and disposed of by the Writ Court through the impugned order dated 27.11.2023.

4.Heard the learned Counsel on either side.



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5.The only reason seems to have influenced the minds of the appellant department for rejecting the proposal or returning the proposal is that, it is a Corporate Management school, therefore, re-deployment should have been first explored. Whereas, the fact remains that it is a stand alone institution which has been recorded by the learned Judge in the impugned order at paragraph No.3. Despite that they continue to take the same stand which is against the factual matrix. Therefore, absolutely there is no reason whatsoever to reject the proposal sent by the school and there is no reason to interfere with the judgement of the Writ Court. Hence, this Writ Appeal is liable to be dismissed.

6.Accordingly, this Writ Appeal is dismissed. The direction given by the learned Judge through the impugned order shall be complied with, if not already complied by the respondents within a period of six [6] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.J.] & [G.A.M.J.]

11.07.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
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R.SURESH KUMAR, J.

and

G.ARUL MURUGAN, J.

MR

ORDER MADE IN

W.A.(MD)No.1128 of 2024

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