



WEB COPY



W.P(MD).No.14503 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P.(MD).No.14503 of 2019
and WMP(MD).No.10941 of 2019**

The Correspondent
St.Mary's Tope Middle School
Tiruchirapalli 620 002
Tiruchirapalli District

....Petitioner

Vs

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

2.The Chief Educational Officer
Tiruchirapalli
Tiruchirapalli District

3.The District Educational Officer
Previously the DEEO
Tiruchirapalli
Tiruchirapalli District

4.The Block Educational Officer
Previously the AAEO
Trichy Urban, Trichy

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Ceriorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent District Educational Officer vide Na.Ka.No.6681/A3/2018 dated 06.03.2019, quash the same and



W.P(MD).No.14503 of 2019

further direct the third respondent District Educational Officer to forthwith approve the appointment of Mrs.M.Salini as B.T.Assistant (Science) in the petitioner School with salary and all attendant benefits including arrears of salary w.e.f. the date of her appointment viz., 13.07.2015.

For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Isaac Chambers

For Respondents :Mr.P.T.Thiraviyam
Government Advocate

ORDER

The present writ petition has been filed by School Management challenging the order passed by the third respondent herein wherein the request of the management to approve the appointment of one Mrs.M.Salini as B.T.Assistant (Science) Teacher has been rejected on the ground that there are surplus teachers within the corporate management.

2.According to the learned counsel appearing for the writ petitioner one Salini was appointed as B.T.Assistant (Science) on 13.07.2015 in the promotion vacancy of one Mrs.Merlin. A proposal for approval was sent to the third respondent herein, the third respondent under the impugned order had rejected the said proposal on the ground that there are surplus teachers within the corporate management.



W.P(MD).No.14503 of 2019

3.The learned counsel appearing for the respondent authorities had pointed out that the School is run by a corporate management which is administering 9 Schools. There are surplus B.T. Assistant Teachers when all the 9 Schools are taken together and therefore, the proposal sent by the school management was rejected.

4.The only question that arises is whether the appointment of Salini as B.T.Assistant in the academic year 2015-2016 is a surplus within the corporate management for the relevant academic year or not.

5.In view of the above said facts, this Court is inclined to pass the following orders:

(i)The corporate management of the petitioner School is directed to place all the materials before the third respondent as to number of B.T.Assistant (Science) Teachers falling within the corporate management within a period of two weeks from the date of receipt of a copy of this order.

(ii)The third respondent after verifying the fact whether there are any surplus B.T.Assistant (Science) Teacher within the Corporate Management School in the academic year 2015-2016, shall proceed to pass orders.

(iii)In case, if there are no surplus teachers for the relevant academic year, the third respondent is directed to approve the



W.P(MD).No.14503 of 2019

appointment of Mrs.M.Salini with effect from 13.07.2015 with
all attendant benefits.

WEB COPY

6.The writ petition is allowed to the extent as stated above. No costs.

Consequently, connected miscellaneous petition is closed.

01.02.2024.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa



W.P(MD).No.14503 of 2019

WEB COPY

To

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

2.The Chief Educational Officer
Tiruchirapalli
Tiruchirapalli District

3.The District Educational Officer
Previously the DEEO
Tiruchirrapalli
Tiruchirapalli District

4.The Block Educational Officer
Previously the AAEEEO
Trichy Urban, Trichy



WEB COPY



W.P.(MD).No.14503 of 2019

R.VIJAYAKUMAR, J.

msa

W.P.(MD).No.14503 of 2019
and WMP(MD).No.10941 of 2019

01.02.2024