



WP(MD) No.11586 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11586 of 2023
and WMP(MD)No.10066 of 2023

C.Mathura Bai

.. Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
St.George Fort, Chennai.

2. The Commissioner of School Education,
DPI Campus,
College Road,
Chennai-600 006.

3. The Chief Educational Officer,
Kanyakumari District at Nagercoil.

4. The District Educational Officer,
Thuckalay,
Kanyakumari District.

5. The Correspondent,
L.M.S.Higher Secondary School For Girls,
Neyyoor-629 502.

...Respondents



WP(MD) No.11586 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records on the file of the 4th respondent pertaining to his proceedings bearing Oo.mu.No.906/A1/2022 dated 12.03.2022 and to quash the same and consequently direct the respondents to approve the petitioner's appointment as P.G. Assistant with effect from 16.09.2020 by considering the proposal resubmitted by the 5th respondent dated 20.04.2022 within a time frame that may be fixed by this Court.

For Petitioner : Mr.Aayiram K Selvakumar

For Respondents : Mr. M.Siddharthan
Additional Government Pleader
for R1 to R4
: Mr.S.C.Herold Singh for R5

ORDER

Heard Mr.Aayiram K Selvakumar, learned counsel appearing for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.S.C.Herold Singh, learned counsel for the 5th respondent.



WP(MD) No.11586 of 2023

WEB COPY

2. The petitioner has filed this writ petition seeking Writ of Certiorarified Mandamus to quash the impugned proceedings issued by the 4th respondent pertaining to his proceedings bearing Oo.mu.No. 906/A1/2022 dated 12.03.2022 and consequently direct the respondents to approve the petitioner's appointment as P.G. Assistant with effect from 16.09.2020 by considering the proposal resubmitted by the 5th respondent dated 20.04.2022 within a specified time.

3. The petitioner has been appointed as PG Assistant (History) in the 5th respondent school on 19.09.2020. When the proposal was sent for approval, the same was rejected by the 4th respondent vide impugned order dated 12.03.2022 in view of the non-furnishing of the staff fixation position for the academic year 2020-2021.

4. The learned Government Advocate submitted that the 5th respondent School is a corporate management and as per the judgment of this Court in WA(MD)No.76 of 2019 etc batch., dated 31.03.2021 only if the corporate management identifies all the surplus posts under the same corporate management in all categories and a list is given, then,



WP(MD) No.11586 of 2023

the respondent authorities can grant approval to fresh appointments after deploying the surplus posts so shown by the corporate management.

5. Since the 5th respondent has not done the said exercise so far, the first respondent is not able to appraise the actual situation with regard to availability of surplus posts under the 5th respondent management.

6. The learned counsel for the petitioner submitted that despite several requests were made by the 5th respondent, the 3rd respondent has not provided the staff fixation for the academic year 2020-2021. As staff fixation is available with the 3rd respondent, the 5th respondent school is not in a position to resubmit the proposal along with the staff fixation.

7. Before granting approval, it is obligatory on the part of the respondent authorities to check whether the post for which the appointment was made is a sanctioned post. Unless the petitioner produces the staff fixation proceedings and other related materials as required by the respondents, it may not be possible for the respondents



WP(MD) No.11586 of 2023

to consider and pass orders after giving due consideration to the materials placed before them.

8. Hence, the 3rd respondent is directed to furnish the required documents to the petitioner and on receipt of the same, the 4th respondent shall consider and pass orders within a period of six weeks thereafter.

9. With the above directions, this writ petition is **disposed of**. No Costs. Consequently, connected miscellaneous petitions are closed.

21.06.2024

Index : Yes / No
NCC : Yes / No
PJL

To
1. The Secretary to Government,
School Education Department,
St.George Fort, Chennai.

2. The Commissioner of School Education,
DPI Campus,

5/7



WP(MD) No.11586 of 2023

College Road,
Chennai-600 006.

3. The Chief Educational Officer,
Kanyakumari District at Nagercoil.

4. The District Educational Officer,
Thuckalay,
Kanyakumari District.



WEB COPY



WP(MD) No.11586 of 2023

R.N.MANJULA, J.

PJL

W.P.(MD)No.11586 of 2023
and WMP(MD)No.10066 of 2023

21.06.2024