



W.P.(MD).No.12269 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12269 of 2024
and WMP(MD) No.10878 of 2024

The Correspondent,
St.Marya Higher Secondary School,
Vickramasingapura – 627 425,
Tirunelveli District.

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 009.
3. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
4. The District Educational Officer (Secondary),
Tirunelveli, Tirunelveli District.

... Respondents



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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 proceeding issued by the 4th respondent District Educational Officer in A. Thi. Mu. No.5765/a3/2023 dated --.11.2023, quash the same and further direct the 3rd respondent Chief Educational Officer herein to approve forthwith the appointment of Br. Ravi K.P as BT Assistant English in the petitioner's school w.e.f., 15.09.2023 and disburse the grant-in-aid towards his salary and allowances w.e.f., the said date with all attendant benefits.

For Petitioner : Ms.A.Amla

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Ms.A.Amla, learned counsel for the petitioners and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.This Writ Petition has been filed challenging the impugned proceeding issued by the 4th respondent District Educational Officer in A. Thi. Mu. No.5765/a3/2023 dated --.11.2023, and direct the 3rd respondent Chief Educational Officer herein to approve the appointment of Br. Ravi K.P as BT



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Assistant (English) in the petitioner's school w.e.f., 15.09.2023 and disburse the grant-in-aid towards his salary and allowances w.e.f., the said date with all attendant benefits.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner's School which is a minority aided School has appointed one Br.Ravi K.P. as B.T.Assistant (English). A proposal was sent to the 3rd respondent for getting approval and the same was rejected stating that the Government has issued orders only to fill up the post of Headmaster and P.G.Assistant and as regards the other posts instructions will be issued.

5.The other reason for rejection is that the School has not attached the 'No Surplus Certificate'. Since the petitioner's School being a minority aided School, the rule regarding surplus is not applicable, unless the petitioner's School comes under the Corporate Management. The impugned order does not state that the petitioner's School comes under any Corporate Management. Even though, the petitioner's School comes under the Corporate Management,



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there is no surplus post available. To that effect, certificate has also been attached along with the proposal. The other objection is that the Government has not given any advice for filling up other posts, other than Headmaster and P.G.Assistant.

6.The order of the Chief Educational Officer in sanctioning the teaching staff strength of the School assumes relevant. As it appears from the staff strength sanction for the academic year 2023-24, two posts in B.T.Assistant (English) have been sanctioned and available. Since the posts are sanctioned, there is no question of getting any advice from any Department for filling up the above sanctioned post. The petitioner has filled up the post that was already sanctioned to them. It is unnecessary for the 3rd respondent to return/reject the proposal stating that the approval has to be obtained from the Government for filling up the post. Since the said order is arbitrary and unreasonable, the impugned order is liable to be set aside.

7.In view of the aforesaid reasons, this Writ Petition stands allowed and the impugned order of the 4th respondent in A. Thi. Mu. No. 5765/a3/2023 dated --.11.2023 is hereby set aside and the 3rd respondent is



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directed to grant approval to the proposal submitted by the petitioner's School for the appointment of Br. Ravi K.P as BT Assistant (English) in the petitioner's school, if it is otherwise found in order, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2024

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

To

1. The Secretary, State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 009.
3. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
4. The District Educational Officer (Secondary),
Tirunelveli, Tirunelveli District.



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R.N.MANJULA, J.

PNM

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