



WP(MD). No.12251 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 12/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.12251 of 2024
and WMP(MD) No.10865 of 2024**

**Town Higher Secondary School
rep. by its Secretary
PR.P.Velappan**

... Petitioner

Vs

- 1.The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009..**
- 2.The Joint Director (Secondary Education),
O/o. Director of School Education,
Tamil Nadu School Education Department,
College Road, Nungambakkam,
Chennai - 600 006.**
- 3.The Chief Educational Officer,
O/o. Chief Educational Officer,
Thanjavur District,
Thanjavur..**
- 4.The District Educational Officer,
(Secondary),
O/o. District Educational Office,
Kumbakonam, Thanjavur District.**



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5. Muthukumari. A,
B.T. Assistant Tamil,
Sksts Higher
Secondary School,
Thiruppananthal,
Thanjavur District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order made in Na.Ka. No.2822/A4/2024 dated 31.05.2024 passed by the 4th respondent and quash the same.

For Petitioner : Mr.T.Antony Arulraj,
For Respondents : Mr.M.Siddharthan for R1 to R4
Additional Government Pleader

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal.

2. Heard Mr.T.Antony Arulraj, learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4. Since no adverse order is going to be passed against the 5th respondent, notice to the 5th respondent is dispensed with.



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3. The writ petition has been filed challenging the impugned order in Na.Ka. No.2822/A4/2024 dated 31.05.2024 passed by the 4th respondent.

4. The petitioner, who is aggrieved due to deployment order issued to the 5th respondent to the post of BT Assistant (Tamil) in the petitioner's school, has filed this writ petition.

5. The petitioner has earlier filed writ petition in WP(MD) No. 8292/2024 to approve the promotion given to one Kumaravel to the post of BT Assistant (Tamil) . Since the approval was withheld by demanding TET qualification for the said Kumaravel, he has filed the above writ petition, wherein, the following order has been passed:

“4. The approval was rejected by the first respondent by order dated 29.09.2020, on the ground that the petitioners have to acquire Teacher Eligibility Test which is the eligible qualification and the petitioners do not have the said qualification.

5. Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents submitted that the petitioners had challenged the said order by preferring an appeal to the Government and the same is



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pending and the Government has not also been impleaded as a party to the proceedings. Pending appeal, these writ petitions have been filed. 6. In view of the same, these writ petitions are disposed of with a direction to the Government to dispose the appeal in accordance with law and on its own merits, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

7. This Court suo motu impleaded the Principal Secretary, Department of School Education, Fort St.George, Chennai-600 009 as a party to these writ petitions. Registry is directed to carry out necessary amendment in the cause title and mark a copy to the fourth respondent also.”

6. It is seen that the appeal filed by the petitioner is still pending with the respondents. Even before disposing the appeal filed by the petitioner, the 4th respondent has passed an order thereby deploying the 5th respondent to the existing post of BT Assistant (Tamil) in the petitioner's school.



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7. When the post has already been filled up by the petitioner and the proposal is pending for approval, the 4th respondent ought not to cause confusion to deploy some other person to the said post by passing the impugned order.

8. Since the 5th respondent is said to have joined in compliance of the order of the 4th respondent, the respondents are directed to consider the proposal sent for the promotion to Kumaravel for the very same post and pass an order thereon and depending upon the outcome of the said order, consequential orders to withdraw the deployment of the 5th respondent and depute the approved person in the post of BT Assistant (Tamil) be passed by the respondents 1 to 4. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

9. The writ petition is **disposed of** with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

12.06.2024

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R.N.MANJULA,J

RR

**ORDER
IN
WP(MD) No.12251 of 2024**

Date : 12/06/2024