



WP(MD) No.14158 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.14158 of 2024

M.S.D.Arun Ponleon Kishore,
Physical Education Teacher,
TDTA Middle School,
Parappadi, Tirunelveli District.

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Compound, College Road,
Chennai – 600006.

2.The District Educational Officer (Elementary),
Vallioor, Tirunelveli District.

3.The Block Educational Officer,
Nanguneri,
Tirunelveli District.

4.The Correspondent,
TDTA Middle School,
Parappadi,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent herein to approve the appointment of petitioner as Physical Education Teacher in the 4th respondent school w.e.f. 01.03.2019 and disburse grant-in-aid towards salary and other attendant benefits by considering the proposal dated 24.04.2019.

For Petitioner : Mr.A.Ajith Geethan

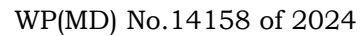
For Respondents : Mr.T.Amjadkhan (R1 to R3)

Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Mandamus directing the 2nd respondent herein to approve the appointment of petitioner as Physical Education Teacher in the 4th respondent school w.e.f. 01.03.2019 and disburse grant-in-aid towards salary and other attendant benefits by considering the proposal dated 24.04.2019.

2. Heard Mr.A.Ajith Geethan, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 to 3.



4. The petitioner was appointed as a Physical Education Teacher on 01.03.2019. Thereafter, a proposal was sent by the fourth respondent school to the Government for approval and the same was pending till date. Hence, the present writ petition has been filed.

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6. When similar issue came up for consideration before this Court in W.P(MD)No.7479 of 2024 dated 17.04.2024, the following order has been passed :

*“5. The learned counsel for the petitioner also submitted that the Government Order in G.O.Ms.No.165 dated 17.09.2019 has been kept inoperative in W.A.(MD).No.76 of 2019 batch dated 31.03.2021 in the case of **The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 vs Iruthaya Amali** and the relevant portion of the order is extracted hereunder:*

“95. In view of the aforesaid discussions, we are inclined to pass the following orders in this batch of cases :

.....

(o) In view of the aforesaid, the G.O.Ms.No.165, School Education [Tho.Ka.2(1)] Department, dated 17.09.2019 is hereby declared to be inoperative.”



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6. *The petitioner's appointment has been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the petitioner School gets the advantage of getting approval of the appointment of Sunitha as B.T.Assistant Maths. Therefore, the respondents cannot decline the approval of the appointment for the reasons of TET eligibility or for deployment of the alleged surplus.*

7. *In view of the above stated reasons, this Writ Petition is **allowed** and the impugned order dated 08.09.2020 is set aside. The respondents 3 and 4 are directed to consider and pass orders regarding approval of appointment of Sunitha as B.T.Assistant Maths with effect from 01.08.2017. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed."*

7. The petitioner's appointment has been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the



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petitioner can get the advantage of getting approval of the appointment as Physical Education Teacher in the fourth respondent school.

8. In view of the above stated reasons and the decision rendered by this Court in the aforesaid Writ Appeal and Writ Petition, this Writ Petition is allowed. The second respondent is directed to consider and pass orders regarding approval of appointment of the petitioner as Physical Educational Teacher in the fourth respondent school with effect from 01.03.2019. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

01.07.2024

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

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To

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DPI Compound, College Road, Chennai – 600006.
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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.14158 of 2024

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