



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14224 of 2023

and

W.M.P(MD)Nos.12043, 12044 & 16848 of 2023

The Correspondent,
St.John's Girls Higher Secondary School,
Kodaikanal,
Dindigul 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 – 600 006.

3.The Chief Educational Officer,
Dindigul, Dindigul District.

4.The District Educational Officer,
Vathalagundu, Dindigul District.

5.The Correspondent,
St.Xavier's Higher Secondary School,
Shenbaganur, Dindigul District.



6.A.Sagayarani
B.T.Assistant(Science),
St.Xavier's Higher Secondary School,
Shenbaganur, Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned proceedings of the 3rd respondent CEO in Na.Ka.No.9485/Aa1/2022, dated 06.06.2023, and quash the same.

For Petitioner	:	Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers
For Respondents	:	Mr.N.Satheesh Kumar Additional Government Pleader for R1 to R4 Mr.Savarimuthu for M/s.Father Xavier Associates for R5 & R6

ORDER

The instant writ petition has been filed by an aided minority school, challenging the order of deployment dated 06.06.2023, wherein the sixth respondent has been deployed from the fifth respondent school to the petitioner's school.



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2. According to the learned Counsel appearing for the writ petitioner, BT Assistant(Science) Teacher namely Tmt.S.Loude Prasana Kumarai has been appointed by the Management on 03.09.2019. Though the proposal for approval was forwarded by the management, the same was not considered by the authorities. Hence the management had filed W.P.(MD)No.15034 of 2024 seeking a mandamus to approve the appointment.

3. This Court by an order dated 23.07.2024 has directed the educational authorities to consider the said proposal dated 16.10.2019 on merits and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

4. It is clear, while the proposal submitted by the management for approving the appointment of one Tmt.S.Loude Prasana Kumari is pending, the impugned deployment order has been passed. Without considering the proposal submitted by the management, the authorities cannot pass a deployment order.



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

- i) the order impugned in the writ petition is hereby set aside;
- ii) the authorities are directed to comply with the order of this Court dated 23.07.2024 made in W.P.(MD)No.15034 of 2024 within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petitions are also closed.

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



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To

- 1.The Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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- 4.The District Educational Officer,
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R.VIJAYAKUMAR, J.

RJR

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