



W.P.(MD)No.15107 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15107 of 2024

and

W.M.P.(MD)No.13247 and 13248 of 2024

The Correspondent,
Sacred Heart Primary School,
Srivilliputhur-626 125,
Virudhunagar District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-600 006.
- 3.The District Educational Officer (Elementary),
Sivakasi, Virudhunagar District.
- 4.The Block Educational Officer,
Srivilliputhur, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to



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the impugned proceedings issued by the third respondent DEO in Na.Ka.No. 982/Aa2/2023 dated 31.01.2024, quash the same and further direct the third respondent DEO to approve forthwith the appointment of Ruby Josephine Mary as Secondary Grade Teacher in the petitioner School w.e.f., the date of her appointment viz., 23.07.2018, with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.M.F.Rooshi Maas
for M/s.Isaac Chambers
For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

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

2.Heard Mr.M.F.Rooshi Maas, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents.

3.The petitioner School has appointed one Ruby Josephine Mary as Secondary Grade Teacher with effect from 23.07.2018. When the proposal was submitted to the third respondent seeking approval of the said appointment, the



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approval was returned seeking some particulars. After some round of litigations, the proposal was resubmitted. However, the same was rejected stating that there are surplus Teachers under the same Corporate Management for the year 2018-19 and hence, the approval sought by the petitioner School cannot be granted. Challenging the same this writ petition has been filed.

4.The issue involved in this writ petition has already been settled in the judgment of this Court rendered 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 V. Iruthaya Amali.***

5. 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 can get the advantage of getting approval of the appointment of Ruby Josephin Mary as Secondary Grade Teacher.

6. In view of the above stated reasons, this Writ Petition is allowed and the impugned order of the third respondent in Na.Ka.No. 982 / Aa2/2023, dated 31.01.2024 is set aside. The respondent Nos.3 and 4 are directed to



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consider and pass orders regarding approval of appointment of Ruby Josephin Mary as Secondary Grade Teacher with effect from 23.07.2018. 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.

09.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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R.N.MANJULA, J.

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