



W.P.(MD)No.15061 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15061 of 2024

and

W.M.P.(MD)No.13201 of 2024

J.B.Blessy Litta

... 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 School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Nagercoil-629 001, Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai-629 163,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 25.03.2024 in Na.Ka.No.157/Aa4/2024 issued by the third respondent Chief Educational Officer, quash the same and direct the respondents to grant prior permission to fill up the post of P.G.Assistant (Economics) in the petitioner school.



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and hence, there would be no difficulty in granting permission to the petitioner's School.

5.The learned Additional Government Pleader for the respondents submitted that there are surplus Teachers in the same subject available in other Minority Schools in the same Revenue District. Hence, the Government cannot be burdened with the additional financial commitments.

6.Perusal of the sanctioned Staff strength for the academic year 2022-23 and 2023-24, shows that one PG Assistant (Economics) post is very much sanctioned and it continues to be available for the Schools in the Revenue District. The surplus Teacher pointed out by the third respondent in the impugned order does not relate to Economics Subject. All those surplus Teachers are in the subjects of English, Chemistry, Botany, Zoology and Physics. These Teachers cannot be engaged in handling the Economics subject. Hence, it is essential to fill up the vacant post of PG Assistant (Economics) in the petitioner's School in the interest of the Students.

7.The other reasons stated in the impugned order is about the availability of one PG Assistant Economics in a Minority Institution in the same



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revenue District. The surplus Teacher available in a Minority Institution can be accommodated only in other Minority Institutions. The petitioner's School is a Non-Minority Institution and hence, it is not possible to accommodate the surplus Teacher as pointed out by the third respondent in the petitioner's School. Hence, the request of the petitioner deserves to be reconsidered.

8.In view of the above observations, this writ petition is allowed and the order passed by the third respondent in Na.Ka.No.157/Aa4/2024 dated 25.03.2024 is hereby set aside and the matter is remitted back to the third respondent for fresh consideration. The third respondent is directed to reconsider the request of the petitioner by taking note of the observations made above within a period of two (2) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

09.07.2024

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

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- 1.The 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,
Nagercoil-629 001, Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai-629 163,
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R.N.MANJULA, J.

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