



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.14440 of 2023

and

W.M.P(MD)Nos.12238 and 12239 of 2023 & 9191 of 2024

Correspondent,
St.Joseph's College Higher Secondary School,
Near Chatram Bus Stand,
Trichy District – 620 002.

... 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,
Trichy, Trichy District.

4.The District Educational Officer,
Trichy, Trichy District.

5.The Correspondent,
Boys Higher Secondary School,
Thiruvarangam, Trichy.



6.B.Mani,
B.T.Assistant(Science),
Boys Higher Secondary School,
Thiruvaramangam, Trichy.

... 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.7300/Aa4/2022, dated 09.06.2023, and quash the same.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R4

ORDER

The instant writ petition has been filed by an aided minority school, challenging the order of deployment of the sixth respondent from the fifth respondent school to the petitioner's school as BT Assistant(Science) Teacher.

2.The primary ground on which the redeployment order attacked is that, for the said post, the management has already appointed Mr.S.Libin Joseph by way of an appointment order dated 01.04.2021. The Management has approached this Court by filing W.P.(MD)No.2018 of 2023, seeking a direction



to approve the appointment. This Court by an order dated 01.02.2023, had directed the official respondents to consider the same and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The said order is yet to be complied with by the authorities. After orders were passed by this Court, the present impugned order of deployment has been passed on 09.06.2023. Hence, the present writ petition has been filed.

3.The educational authorities instead of complying with the order of this Court dated 01.02.2023 have proceeded to pass the impugned deployment order on 09.06.2023, deploying the sixth respondent from the fifth respondent school to the petitioner's school. Therefore, the same is liable to be set aside.

4.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 respondents authorities are directed to comply with the order of this Court dated 01.02.2023 made in W.P.(MD)No.2018 of 2023 within a period of twelve weeks from the date of receipt of a copy of this order.



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5. 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,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
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R.VIJAYAKUMAR, J.

RJR

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