



WP(MD). No.15671 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 12.07.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

**WP(MD). No.15671 of 2024
and WMP(MD) No.13667 of 2024**

Arulgnanaraj

... Petitioner

Vs

1. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Tenkasi District..

2. The District Educational Officer
O/o. the District Educational Officer,
Tenkasi, Tenkasi District..

3. The Block Educational Officer,
O/o. the Block Educational Officer,
Alankulam,
Tenkasi District..

4. The Secretary,
Harijan Middle School,
Keelakalangal,
Alankullam - 627860,
Tenkasi District..

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents



WP(MD). No.15671 of 2024

Nos.1 to 3 to grant approval of the appointment to petitioner in the post of the Physical Education Teacher with effect from 25.04.2024 at Respondent No.4 School Harijan Middle School, Keelakalangal, Alankullam, Tenkasi District, by considering the petitioner representation dated 05.06.2024 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja simman

For R1 to R3 : Mr.T.Amjad Khan
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final hearing at the stage of admission itself.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3. Since no adverse order is going to be passed against the fourth respondent, notice to the 4th respondent is dispensed with.

3.The writ petition has been filed for a Mandamus to direct the respondents Nos.1 to 3 to grant approval of the appointment to petitioner



WP(MD). No.15671 of 2024

in the post of the Physical Education Teacher with effect from 25.04.2024 at Respondent No.4 School Harijan Middle School, Keelakalangal, Alankullam, Tenkasi District, by considering the petitioner's representation dated 05.06.2024 within the time period stipulated by this Court.

4. The learned counsel for the petitioner submitted that pursuant to the appointment order, the petitioner joined duty on 24.04.2024 in the fourth respondent school as Physical Education Teacher and the fourth respondent school management has also sent a proposal for approval. Since the appointment proposal has not been approved, the petitioner is before this Court.

5. The learned Government Advocate submitted that as per Rule 11(4) of the Private School Regulations Act, 1973, prior permission is mandatory for non minority schools when filling up the posts and the school authorities have to produce the staff fixation order to show that the post for which the petitioner was appointed is sanctioned and available post. It is further submitted that it is for the school authorities



WP(MD). No.15671 of 2024

to communicate to the department in order to get approval and the petitioner cannot maintain this petition.

6. It is seen that so far no order has been emanated from the respondents stating any of these reasons. Since the interest of the petitioner is concerned, he may not be able to get his salary unless the grant is given by the Government by approving the appointment, it cannot strictly said that the petitioner does not have any cause of action.

7. In view of the same, the writ petition is disposed of by directing the respondents 1 to 3 to consider the proposal sent by the 4th respondent and pass appropriate orders granting approval to the appointment of the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

12.07.2024

NCC : Yes/No
Index : Yes/No
RR



WP(MD). No.15671 of 2024

To

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O/o. the Chief Educational Officer,
Tenkasi District..
2. The District Educational Officer
O/o. the District Educational Officer,
Tenkasi, Tenkasi District..
3. The Block Educational Officer,
O/o. the Block Educational Officer,
Alankulam,
Tenkasi District..



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WP(MD). No.15671 of 2024

R.N.MANJULA, J.

RR

W.P.(MD)No.15671 of 2024

12.07.2024