



W.P.(MD)No.15398 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15398 of 2024

and

W.M.P.(MD).Nos.13502 & 13503 of 2024

M.Smiline Radhika

... 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,
The Office of the CEO,
S.L.B. South Road,
Nagercoil,
Kanyakumari District-629 001.
- 4.The District Educational Officer,
the Office of the DEO,
S.L.B. South Road,
Nagercoil,
Kanyakumari District-629 001.



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5.The Correspondent,
Little Flower Girls Hr. Sec. School,
Ramanputhur,
Nagercoil-629 004,
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 proceedings issued by the third respondent Chief Educational Officer in Na.Ka.No.948/A4/2024 dated 24.06.2024, quash the same and further direct the third and fourth respondents to approve forthwith the appointment of the petitioner as B.T.Assistant (Science) in the fifth respondent school, w.e.f. 01.06.2016 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner : Ms.Amala Irudhaya Mary

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

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

2. Heard Ms.Amala Irudhaya Mary, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for respondent Nos.1 to 4.



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3. This Writ Petition has been filed challenging the impugned proceedings issued by the third respondent / Chief Educational Officer in Na.Ka.No.948/A4/2024, dated 24.06.2024 and consequently to direct the third and fourth respondents to approve forthwith the appointment of the petitioner as a B.T. Assistant (Science) in the fifth respondent school, with effect from 01.06.2016 and disburse grant-in-aid towards her salary and other attendant benefits.

4. The petitioner has been appointed as a B.T. Assistant (Science) in the fifth respondent School on 01.06.2016. When her appointment proposal was sent to the third respondent for approval, the same was rejected vide impugned order by citing the reasons that there are surplus posts available during the academic year 2016-2017.

5. Ms.Amala Irudhaya Mary, learned counsel appearing for the petitioner, submitted that as per the judgment passed by the Division Bench of this Court in W.A.(MD) No.76 of 2019, etc. batch, the Government Order in G.O.Ms.No. 165 issued by the School Education Department, dated 17.09.2019 will not prohibit the educational authorities to approve the appointment made by the School Management in the instant writ petition, since the proposal for approval



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of appointment made by the School Management was forwarded to the educational authorities on 01.06.2026 prior to the issuance of the Government Order in G.O.(Ms).No.165, School Education Department, dated 17.09.2019.

6. Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents, submitted that pursuant to the direction issued by this Court to the fourth respondent vide order dated 27.11.2023 in W.P.(MD).No.9141 of 2023, to verify whether there are any surplus teachers available within the corporate Management of the fifth respondent School during the academic year 2016-2017, the fourth respondent has found that there are surplus teachers available in the fifth respondent School. Pursuant to the surplus teachers found in the fifth respondent School, the present impugned order has been passed.

7. It is learnt from the impugned order that pursuant to the direction given by this Court in W.P.(MD).No.9141 of 2023, dated 27.11.2023, the respondents complied with the directions and found that there are surplus teachers available for the academic year 2016-2017 under the Corporate management. It is further stated in the impugned order that between the academic years 2016 and 2023, there are surplus teachers available in the post of B.T. Assistant (Science) available in the fifth respondent School. Instead of filling up surplus teachers



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within the 5th respondent Management, the 5th respondent has sought for fresh appointment of the petitioner, which is not tenable.

8. Since there are surplus teachers available in the fifth respondent management during the academic year 2016-17, the respondents have rightly rejected the approval of the petitioner that has been sought for by the fifth respondent School. Hence, I feel that the writ petition deserved to be dismissed. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Secretary,
State of Tamil Nadu,
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,
The Office of the CEO,
S.L.B. South Road,
Nagercoil,
Kanyakumari District-629 001.



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4. The District Educational Officer,
the Office of the DEO,
S.L.B. South Road,
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R.N.MANJULA, J.

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