



W.P.(MD)No.15191 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15191 of 2023
and WMP(MD)Nos.20609& 12784 of 2023

Jancy Parimala Lawrance

.. 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,
DPI Complex, College Road,
Chennai-600 009.

3. The Chief Educational Officer,
District Educational Office,
Tallakulam,
Madurai-625 002.

4.The District Educational Officer,
District Educational Office,
Tallakulam,
Madurai-625 002.

5. The Administrator,



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The Tamil Evangelical Lutheran
Church (TELC), P.B.No.86,
Tranquebar House,
Trichy-620 001.

6. The Correspondent,
TELC Girls Higher Secondary School,
Usilampatti,
Madurai-625 532.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent herein to approve the appointment of the petitioner as BT Assistant in History in the 6th respondent School and disburse grant-in-aid towards the petitioner's salary.

For Petitioner : Mr.Niranjan S Kumar

For Respondents : Mr.T.Amjadkhan
Government Advocate
for R1 to R4

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the 4th respondent herein to approve the appointment of the petitioner as BT Assistant (History) in the 6th respondent School and disburse grant-in-aid towards the petitioner's salary.



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2. Heard Mr.Niranjan S Kumar, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 to 4.

3. The 6th respondent School is one among the numerous recognized educational institutions owned and administered by the Tamil Evangelical Lutheran Church(TELC) and a Judge Administrator was appointed in the year 2022. The petitioner was appointed as BT Assistant (History) on 16.09.2019 in the 6th respondent School in the vacancy arose due to the death of one Lilly, who was working in the said post. The appointment was made by the 5th respondent/Judge Administrator of TELC and the said post is a sanctioned post. When the proposal for appointment was sent by the 6th respondent school, the same was returned for compliance of certain remarks. But so far the same has not been considered by the respondents.

4. Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 to 4 submitted that the proposal sent for the approval of



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appointment of one Jancy Parimala in the place of one Lilly has been returned for compliance of remarks on 18.08.2021 itself.

5. However, the learned counsel for the petitioner submitted that the 4th respondent had returned the proposal in the light of the G.O.Ms.No.165 School Education [Tho.Ka.2(1)] Department, dated 17.09.2019 stating that no new appointment can be made without deploying the surplus teachers to the needy places as per the above mentioned Government Order. But the appointment was made on 16.09.2019 in the sanctioned vacant post, that too, prior to the issuance of the above said Government Order. Hence, the proposal would be resubmitted by the 6th respondent. In such case the same ought to be considered. Further G.O.Ms.No.165, School Education [Tho.Ka.2(1)] Department, dated 17.09.2019 itself become inoperative in view of the judgment passed in ***W.A(MD)No.76 of 2019 etc., 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 vs. Iruthaya Amali.***



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6. In view of the above observation, the 6th respondent is at liberty to resubmit the proposal along with the clarificatory note within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the 4th respondent shall consider and pass orders on merits in accordance with law within a period of four weeks thereafter.

7. With the above directions, this writ petition is **disposed of**. No Costs. Consequently, connected miscellaneous petitions are closed.

19.06.2024

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

PJL

To
1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.

2. The Director of School Education,
DPI Complex, College Road,
Chennai-600 009.



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3. The Chief Educational Officer,
District Educational Office,
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