



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15116 of 2023

and

W.M.P(MD)Nos.12724, 12725 of 2023 & 3007 of 2024

The 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 Secretary,
E.R.Higher Secondary School,
Trichy.

6.T.Mohan
B.T.Assistant(Social Science),
E.R.Higher Secondary School,
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, 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
Mr.V.Panneer Selvam for R5

ORDER

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

2.The sole ground on which the deployment is under challenge is that, for a vacancy that arose in the year 2019, the petitioner's school has already appointed one G.Xavier as BT Assistant(Social Science) Teacher on 03.10.2019 and they have forwarded the proposal for approval to the District Elementary Educational Officer, Tiruchirappalli on 09.10.2019. Though the proposal was returned by the authorities on 21.11.2019, the school had resubmitted the proposal on 05.12.2022. Despite re-submission, the authorities have not passed



any orders approving the appointment of the said Mr.G.Xavier. Therefore, the school management was constrained to file W.P.(MD)No.2021 of 2023, wherein an order was passed on 01.02.2023, directing the authorities to pass orders within a period of six weeks. So far as the said order has not been complied with.

3.In the light of the above said circumstances, the present impugned order dated 09.06.2023, deploying the sixth respondent from the fifth respondent school to the petitioner's school is under challenge.

4.The narration of the facts will clearly indicate that without complying with the order of this Court dated 01.02.2023 made in W.P.(MD)No.2021 of 2023, the authorities are attempting to redeploy the sixth respondent from the fifth respondent school to the petitioner's school.

5.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 authorities are directed to pass orders on merits and in accordance with law with regard to the proposal submitted by the petitioner for approving



the appointment of Mr.G.Xavier within a period of twelve weeks from the date of receipt of a copy of this order.

6.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.

18.09.2024
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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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To

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R.VIJAYAKUMAR, J.

RJR

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