



W.A(MD)No.1858 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

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CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI
W.A(MD)No.1858 of 2024
and
C.M.P.(MD)No.14053 of 2024**

1.The Director of School Education,
Directorate of School Education,
DPI Compound, College Road,
Chennai-6.

2.The Chief Educational Officer,
Office of the Chief Educational
Office, Nagercoil,
Kanyakumari District.

3.The District Educational Officer
(Elementary),
Office of the District Educational
Office, Nagercoil,
Kanyakumari District.

... Appellants / Respondents 1 to 3

-vs-

1.S.Christabel Vimala

... 1st Respondent/ Writ Petitioner

2.Home Church Girls High School,
Represented by its Correspondent,
Nagercoil, Kanyakumari District.

... 2nd Respondent / 4th Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 12.12.2023 in W.P.(MD)No.29303 of 2023.

For Appellants : Mr.S.P.Maharajan,
Special Government Pleader

For R-1 : Mr.C.Venkatesh Kumar,
For M/s.Ajmal Associates



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

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The appeal is against the order of the writ Court directing approval of the appointment of the 1st respondent as B.T.Assistant in Mathematics in the 2nd respondent school.

2. The sole ground on which the approval was rejected was that, the person in whose place the 1st respondent was appointed was a Secondary Grade Teacher and therefore there is no automatic upgradation of the post. This Court has repeatedly held that the effect of G.O.Ms.No.79, School Education Department, is that all Secondary Grade teacher posts will stand upgraded as B.T.Assistant wherever it is applicable.

3. Hence, we are unable to fault the Writ Court for having allowed the writ petition. The Writ Appeal therefore fails and it is accordingly dismissed. It is also stated that the approval for the appointment of the 1st respondent has already been granted. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

16.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Sml



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