



W.P.(MD)No.15516 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15516 of 2024

and

W.M.P.(MD).Nos.13570 and 13573 of 2024

G.Mary Latha

... 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,
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 CEO,
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.2736/A4/2024 dated 03.07.2024 quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of the petitioner as B.T. Assistant (Science) in the 5th respondent school, w.e.f 18.11.2015 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner : Ms.S.Amala Irudhaya Mary

For R-1 to R-4 : 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.S.Amala Irudhaya Mary, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.



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WEB COPY 3. This Writ Petition has been filed seeking to quash the impugned proceedings of the third respondent / Chief Educational Officer in Na.Ka.No. 2736/A4/2024 dated 03.07.2024 and consequently to 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 18.11.2015 and disburse grant-in-aid towards her salary and other attendant benefits.

4. The petitioner has been appointed as 'B.T. Assistant (Science)' in the fifth respondent School on 18.11.2015. Since several proposals for approving the appointment of the petitioner have been sent by the fifth respondent, the respondent Nos.3 and 4 did not respond for a long time. Thereafter, the fourth respondent rejected the approval and returned the proposal submitted by the fifth respondent School on the ground that the petitioner is a surplus teacher. Aggrieved over the same, the petitioner has filed a Writ Petition before this Court in W.P.(MD).No.9036 of 2023 and this Court by order dated 27.11.2023 directed the third respondent to consider whether the petitioner and any surplus Teachers within the corporate management in the academic year 2015-2016 or not. In case, there is no surplus, the third respondent herein was directed to approve the appointment of the petitioner as B.T. Assistant (Science) with effect



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from 18.11.2015 with all attendant benefits and pass orders within a period of twelve (12) weeks from the date of receipt of a copy that order and allowed the Writ Petition. Despite specific direction, the third respondent has not complied with the said order and hence, the petitioner has filed a Contempt Petition before this Court in Cont.P.(MD).No.1023 of 2024. When the Contempt Petition was listed for compliance, on 03.07.2024 the third respondent passed the impugned proceedings once again rejecting the appointment approval of the petitioner on the ground of availability of surplus posts in other schools under the same management. Challenging the above said proceedings, the petitioner has filed this Writ Petition.

5. The issue involved in this matter is no more a *res-integra* in view of the judgment rendered in ***W.A.(MD).No.76 of 2019 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 V. Iruthaya Amali.***

6. The petitioner's appointment has been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the petitioner school can get the advantage of getting approval of the appointment of G.Mary Latha as B.T. Assistant (Science). Therefore, the respondents cannot decline



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the approval of the appointment due to the reasons of TET eligibility or the deployment of the alleged surplus.

7. In view of the above stated reasons, this Writ Petition is **allowed** and the impugned order of the third respondent in Na.Ka.No. 2736 / A4/2024, dated 03.07.2024 is set aside. The respondent Nos.3 and 4 are directed to consider and pass orders regarding approval of appointment of G.Mary Latha as B.T. Assistant (Science) with effect from 18.11.2015. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

12.07.2024

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.



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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 CEO,
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R.N.MANJULA, J.

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