



W.P.(MD).No.15635 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.15635 of 2023

and

W.M.P.(MD)Nos.13134 and 13135 of 2023

Ms.M.Rosario Kayalvizhi,
Diraviam Girls Higher Secondary
School,
Kamalapuram, Dindigul District.

... Petitioner

Vs.

- 1.The Govt. of Tamil Nadu,
Represented by its Additional
Chief Secretary,
Department of School Education,
Fort St. George, Chennai-9.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
The Office of the Chief Educational
Officer, Dindigul.



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4.The District Educational Officer,
The Office of the District Educational
Officer,
Vathalagundu, Dindigul.

5.The Correspondent,
Diraviam Girls' Higher Secondary
School,
Kamalapuram, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings, dated 22.04.2022, in O.Mu.No.081/AA8/2022, on the file of the 3rd respondent and the consequential order dated 05.05.2022, in O.Mu.No.2247/A1/2022, on the file of the 4th respondent and quash the same, directing the respondents, to accord approval to the appointment of the petitioner, Mrs.M.Rosario Kayalvizhi, working as B.T.Asst. (Maths) in the 5th respondent, Diraviam Girls Higher Secondary School, Kamalapuram, Dindigul District w.e.f. 19.07.2021, and relase salary with all monetary and service benefits.

For Petitioner : FR.S.Savarimuthu

For R-1 to R-4 : Mr.N.Ramesh Arumugam,
Government Advocate (CIVIL)

For R-5 : No appearance



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ORDER

The present writ petition has been filed seeking to quash the impugned proceedings dated 22.04.2022 on the file of the 3rd respondent and the consequential order dated 05.05.2022, on the file of the 4th respondent and consequently, directing the respondents, to accord approval to the appointment of the petitioner, Mrs.M.Rosario Kayalvizhi, working as B.T.Asst. (Maths) in the 5th respondent, Diraviam Girls Higher Secondary School, Kamalapuram, Dindigul District w.e.f. 19.07.2021, and relase salary with all monetary and service benefits.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as B.T. Asst (Maths) in the 5th respondent school, w.e.f. 19.07.2021 in a vacancy which had arisen due to the voluntary retirement of one Mrs. S. Mary Christy on 31.12.2019. On approval of the relieving order of Mrs. S. Mary Christy, the petitioner was appointed as B.T. Asst (Maths) in the said regular sanctioned post, with Grant-in-Aid from the



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Government. The 5th respondent school is a minority school. The proposal for the approval of the appointment of the petitioner as B.T. Asst. (Maths) in the 5th respondent school w.e.f. 19.07.2021, was forwarded to the educational authorities on 30.07.2021. However, the same came to be returned, vide order, dated 05.05.2022, referring the proceedings of the 3rd respondent dated 22.04.2022. Challenging the same, the present writ petition came to be filed.

4. The learned Counsel appearing for the petitioner submitted that the appointment of the petitioner was made by the 5th respondent School in a sanctioned regular post and the reason cited for return is that the proceedings of the 3rd respondent dated 22.04.2022 is with respect to the extension of surplus teacher across the State of Tamil Nadu and such a reason is not sustainable and pressed for interfering with those proceedings by allowing this Writ Petition.

5. Per contra, the learned Government Advocate (CIVIL) appearing for the respondents 1 to 4 submitted that the writ petitioner school has made appointment only on 01.12.2020 and submitted proposal on 13.02.2021. Both



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the appointment and the submission of the proposal were done after the interim orders passed by the Hon'ble Division Bench of this Court in W.A.(MD)No.76 2019 & batch, which was disposed on 31.03.2021. He further submitted that there was a strict instruction by the Government to all the respondent authorities not to give approval to any appointment made by the Private Schools receiving Grant in Aid, pursuant to the interim order passed by the Hon'ble Division Bench of this Court in W.A.(MD)No.76 2019 & batch. Hence, he pressed for dismissal of the writ petition.

6. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate (CIVIL) appearing for the respondents 1 to 4. Carefully perused the materials available on record.

7. The contention of the learned Government Advocate for the return of the proposal is that there had been a direction by the Government to all the respondent authorities not to approve any appointment of teachers in any of the Private Aided Schools receiving Grant in Aid from the Government, pursuant



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to the interim order passed by the Hon'ble Division Bench of this Court in W.A.(MD)No.76 2019 & batch is not sustainable for the reason that the impugned order came to be passed on 05.05.2022, that is, well after the disposal of the said W.A.(MD)No.76 2019 & batch, that is, on 31.03.2021. However, without following the directions in the compendium of the aforesaid Writ Appeal judgment, relying upon the interim order which was passed by the Hon'ble Division Bench in the said Writ Appeal, the 4th respondent has passed the impugned order.

8. In view of the same, I hereby quash the impugned order dated 05.05.2022 and direct the respondents to remand back the file to the 4th respondent and accord approval to the appointment of the petitioner, if otherwise qualified.



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9. Accordingly, this Writ Petition stands allowed. No costs.
Consequently, connected miscellaneous petitions are closed.

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

To

- 1.The Govt. of Tamil Nadu,
Represented by its Additional
Chief Secretary,
Department of School Education,
Fort St. George, Chennai-9.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
The Office of the Chief Educational
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L.VICTORIA GOWRI, J.

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