



W.P.(MD)No.15978 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15978 of 2024

and

W.M.P.(MD).No.13896 of 2024

S.Annammal

... Petitioner

Vs.

1.The Director of Higher Secondary School Education,
DPI Compound,
College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The Correspondent,
Mary Sargent Girls Higher Secondary School,
Palayamkottai 627 002,
Palayamkottai District.

5.The Manager,
TDATA High/ Hr. Sec / TTis,
Palayamkottai,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Oo.Mu.No. 5642/A4/2023, dated 29.06.2024, passed by the second respondent and quash the same and consequently direct the respondents to approve the petitioner's appointment as B.T. Assistant (History) from 15.11.2018 in the 5th respondent school and confer all monetary benefits.

For Petitioner : Mr.S.Suresh Kumar

For R-1 to R-3 : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the proceedings of the second respondent in Oo.Mu.No. 5642/A4/2023, dated 29.06.2024, passed by the second respondent and consequently to direct the respondents to approve the petitioner's appointment as a 'B.T. Assistant (History)' from 15.11.2018 in the fifth respondent school and confer all monetary benefits

2. Heard Mr.S.Suresh Kumar, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 to 3.



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3. The petitioner was appointed as a 'B.T. Assistant (History)' at the fourth respondent School on 24.07.2017. Thereafter, the Management was in need of a B.T. Assistant and further for the benefit of the students, the said Secondary Grade vacancy was converted after obtaining permission from the second respondent. But, however, the educational authorities made it clear that the post of B.T. Assistant (History) can be granted approval only from 15.11.2018. Therefore, the appointment date of the petitioner was only on 15.11.2018. The fourth respondent has submitted the proposal to the third respondent to grant approval to the petitioner to be appointed as 'B.T. Assistant (History)' in the fourth respondent School. But the same has been rejected by the second respondent on 29.06.2024 and challenging the same, the petitioner has filed this Writ Petition.

4. 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.*** Even though the fourth respondent is a School coming under the Corporate Management, the appointment of the petitioner was made on 15.11.2018, which is prior to the judgment rendered in the Iruthayamali's case and hence the



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respondents have to positively consider the proposal sent by the fourth

respondent with regard to the appointment of the petitioner and pass orders.

5. In the light of the decision cited supra, this Writ Petition is **allowed** and the impugned order passed by the second respondent in Oo.Mu.No. 5642/A4/2023 dated 29.06.2024 is set aside. The second respondent is directed to reconsider the proposals sent by the fourth respondent and pass orders regarding approval of appointment of the petitioner as 'B.T. Assistant (History)' with effect from 15.11.2018. 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.

18.07.2024

Index:yes/no

Internet:yes/no

Ncc : yes/no

TSG

To

1.The Director of Higher Secondary School Education,
DPI Compound,
College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

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3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.



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R.N.MANJULA, J.

TSG

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