



WP(MD) No.17104 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.17104 of 2024

and

W.M.P(MD)Nos.14723 & 14726 of 2024

A.K.Zainab

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai - 600006.

2. The District Educational Officer (Elementary),
Sengulam Colony,
Mannarpuram,
Tiruchirappalli - 620008.

3. The Block Educational Officer,
Trichy Urban Block,
Woraiyur East,
Tiruchirappalli - 620003.



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4. The Correspondent,
Madrassa-E-Mohamedia Middle School,
1/3, Madurai Road,
Palakarai,
Tiruchirappalli – 620 008.

... 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 relating the impugned proceedings issued by the impugned proceedings issued by the 2nd respondent in Na.Ka.No. 4248/A5/2023 dated 19.12.2023 and to quash the same and consequently directing the respondents to pass orders for granting approval of appointment of the petitioner in the post of Secondary grade Teacher in the 4th respondent School with effect from 01.06.2023 with all consequential and attendant benefits including the arrears of Salary, within a time frame to be fixed by this Court.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.T.Amjad Khan – for R1 to R3
Government Advocate



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ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned proceedings, dated 19.12.2023 of the 2nd respondent and consequently directing the respondents to pass orders for granting approval of appointment of the petitioner in the post of Secondary grade Teacher in the 4th respondent School with effect from 01.06.2023 with all consequential and attendant benefits including the arrears of Salary.

2. Heard Mr.F.Deepak, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 to 3.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has filed this writ petition challenging the order, dated 19.12.2023 and consequential direction for granting



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approval to his appointment to the post of secondary grade teacher in the fourth respondent school.

5. The learned counsel for the petitioner submitted that he has been appointed to the post of secondary grade teacher in the fourth respondent school on 01.06.2023. The fourth respondent school has forwarded the proposal to the second respondent for approval, but the approval has been returned on 19.06.2023 by citing G.O.Ms.No.165, dated 17.09.2019. The petitioner understands that the proposal has been resubmitted by the fourth respondent with a detailed explanation on 21.08.2023 by citing the decision of this Court held in W.A(MD)No.76 of 2019 dated 31.03.2021.

6. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the matter is still pending, in which, no final order has been passed.

7. However, the petitioner seems to have got a copy of the communication returning the proposal to the fourth respondent. As it



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affects the interest of the petitioner, she has come out with this writ petition.

8. Even according to the submission of the petitioner, the fourth respondent school has resubmitted the proposal by citing the correct legal position concerning the appointment of the petitioner and in such case, it is appropriate for the petitioner to wait for the outcome of the resubmitted proposal.

9. The petitioner has approached this Court in a premature stage, even before getting any final order from the second respondent.

10. However, by considering the anxiety of the petitioner, the second respondent shall be directed to dispose the revised proposals submitted to the second respondent in the light of the earlier judicial pronouncements already made in this regard and the position of law settled and pass orders within a period of two weeks from the date of receipt of a copy of this order.



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11. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

26.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.17104 of 2024

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