



W.P.(MD)No.17047 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.17047 of 2024
and
W.M.P.(MD).No.14669 of 2024

Benita Jose

... Petitioner

Vs.

1.The Chief Education Officer,
Ramanathapuram,
Ramanathapuram District.

2.The District Education Officer (Primary Education),
Paramakudi,
Ramanathapuram District.

3.CSI Primary School,
Represented by its Correspondent,
Nerunjipatti,
Kamuthi,
Ramanathapuram 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 order passed by the second respondent in his proceedings in Na.Ka.No. 8027/Aa4/2022 dated 11.07.2024 and quash the same as illegal and consequently to direct the second respondent to approve the appointment of the



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petitioner in the post of secondary grade Teacher in the third respondent School w.e.f 05.07.2017 with all attendant, service and monetary benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.P.Mohamed Suhail,
for M/s.Ajmal Associates

For R-1 & R-2 : Mr.T.Amjad Khan,
Government Advocate

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.P.Mohamed Suhail, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for respondent Nos.1 and 2.

3. This Writ Petition has been filed challenging the order passed by the second respondent in his proceedings in Na.Ka.No.8027/Aa4/2022, dated 11.07.2024 and consequently to direct the second respondent to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the third respondent School with effect from 05.07.2017 with all attendant, service and monetary benefits within the period that may be stipulated by this Court



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4. The petitioner has been appointed as a Secondary Grade Teacher in the third respondent School on 05.07.2017. The proposal has been sent to the second respondent for approval and the same has been rejected by the second respondent on 11.07.2024 on the ground of surplus in the third respondent Corporate Management.

5. The learned counsel appearing for the petitioner submitted that the petitioner has been appointed on 05.07.2017 which was prior to the guidelines issued 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* with regard to surplus in the corporate Management. In the impugned order, the reasons stated for rejecting the approval for the proposal sent by the second respondent is that there are surplus teachers in the school administered by the Corporate / joint management of CSI Madurai -Ramnad Diocese and without completing the deployment process, the petitioner's appointment cannot be approved. But the above order did not take note of the fact that the appointment has been made even prior to the judgment made in *W.A.(MD).No.76 of 2019 batch dated 31.03.2021* in the case of *the Secretary to Government Government of Tamil*



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Nadu School Education Department, Fort St. George, Chennai – 9 V.

Iruthaya Amali. Hence, the same is not applicable to the facts of the case.

6. It is not in dispute that the petitioner was appointed as Secondary Grade Teacher in the third respondent School on 05.07.2017 and the proposal was sent to the second respondent for approval, however, the same came to be rejected by the second respondent on 11.07.2024 stating that there are surplus teachers in the third respondent Corporate Management. Considering the facts and circumstances of the case, this Court finds that the above order did not take note of the fact that the appointment of the petitioner was made even prior to the judgment made 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* and therefore, the same is not applicable to the case on hand.

7. In view of the above, the Writ Petition is **disposed of** with a direction to the respondents to reconsider and pass orders in the light of the observations and also taking into consideration the various judicial proceedings including the order passed by this Court in W.P.(MD).No.1142 of 2021 and pass orders for approving the appointment of the petitioner as Secondary Grade Teacher within



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a period of four weeks from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petitions are closed.

25.07.2024

Index:yes/no

Internet:yes/no

Ncc : yes/no

TSG

To

1.The Chief Education Officer,
Ramanathapuram,
Ramanathapuram District.

2.The District Education Officer (Primary Education),
Paramakudi,
Ramanathapuram District.



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R.N.MANJULA, J.

TSG

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