



W.P.(MD)No.17164 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17164 of 2024 &
W.M.P.(MD)Nos.14804 & 14806 of 2024

R.Nilofarnisha

... Petitioner

vs.

1.The Director of School Education,
College Road,
Chennai - 600 006.

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

3.The District Educational Officer,
(Secondary Education),
Melur, Madurai District - 625 106.

4.The Correspondent,
Melur AI - Ameen Urudu Tamil Muslim High School,
Melur, Madurai District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the third respondent vide his proceedings in O.Mu.No.4556/A5/2024 dated 02.07.2024 and quash the



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same as illegal and consequently to direct the 2nd respondent to approve forthwith the petitioner's appointment as B.T. Assistant (Science) in 4th Respondent School with effect from the date of her appointment i.e., on 10.06.2024 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 to R3

ORDER

Heard Mr.J.Lawrance, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1 to 3.

2. The petitioner has filed this writ petition seeking to quash the impugned order of the third respondent in O.Mu.No.4556/A5/2024 dated 02.07.2024 and to direct the second respondent to approve forthwith her appointment as B.T. Assistant (Science) in fourth respondent School with effect from the date of her appointment i.e., on 10.06.2024 with all attendant benefits including the arrears of salary and allowance.



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3. In the impugned order, it is stated that prior permission / approval of appointment for teaching staffs and non-teachings staff ought to have been obtained from the competent authority.

4. The petitioner has been appointed as B.T. Assistant (Science) in the fourth respondent School on 10.06.2024. When a proposal for approval of appointment was sent to the third respondent, the third respondent has asked the fourth respondent to produce the prior permission as per the Section 35 (2) of Tamil Nadu Private School Regulation Act, 2018 and Section 32 (b) of Tamil Nadu Private School (Regulation) Rules, 2023.

5. Mr.J.Lawrance, learned counsel appearing for the petitioner submitted that the Division Bench of this Court has already stayed the operation of the said provision vide the interim order dated 21.04.2024 in W.P.No.10711 of 2023 and batch, wherein, the respondents were directed to maintain status quo as on the date of the Judgment of the Division Bench of this Court in W.P.No.4478 of 1974 and batch *i.e.*, 17.12.1975.



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6. Therefore, it is for the fourth respondent to re-submit the proposal by stating the above legal position for getting approval. On such submission, it is for the second respondent to appreciate the same and pass orders.

7. However, the writ petition itself appears to be a pre-matured one. Even before passing of the final orders, the petitioner has rushed to Court. Hence, it is appropriate for the petitioner to wait until the respondents 2 and 3 passes orders after getting remarks from the School.

8. With the above observations, the writ petition is **disposed of**.
No costs. Consequently, connected Miscellaneous Petitions are closed.

26.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.



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