



W.P.(MD)No.18442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.18442 of 2024

S.Falin Saronis

... Petitioner

Vs.

1.The District Educational Officer (Elementary),
Valliur, Tirunelveli District.

2.The Block Educational Officer,
Kalakkadu, Tirunelveli District.

3.The Correspondent,
TDTA Primary School,
Meenavankulam,
Kalakad, Tirunelveli 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 impugned proceedings issued by the 1st respondent District Educational Officer vide impugned proceedings in Na.Ka.No.1943/A1/2023 dated ..07.2024, quash the same and further direct the 1st respondent District Educational Officer herein to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the 3rd respondent school namely, TDTA Primary School,



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Meenavankulam, w.e.f. 05.10.2017 and disburse the grant-in-aid towards her salary and allowances w.e.f. the said date with all attendant benefits.

For Petitioner : Ms.A.Amala
For R1 & R2 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

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

2.Heard Ms.A.Amala, learned counsel for the petitioner and Mr.M.Siddhartha, learned Additional Government Pleader for the official respondents.

3.The petitioner was appointed as a Secondary Grade Teacher in the third respondent School with effect from 05.10.20117, in the vacancy caused due to the transfer of the then incumbent. When the proposal was submitted to the first respondent through the second respondent seeking approval of the said appointment, the same was rejected stating that there are surplus Teachers under the same corporate management, for the years



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2014-2015, 2015-16 and 2016-17 and hence, the approval sought by the petitioner School cannot be granted.

4.Challenging the said rejection order, earlier the petitioner had filed a writ petition in W.P.(MD)No.22097 of 2023 and this Court by an order dated 27.11.2023 disposed of the said writ petition by directing the first respondent to approve the appointment of the petitioner with all attendant benefits, if no surplus posts are available in the corporate management. Though the District Educational Officer had declared that there are no surplus Teachers available in the corporate management, the order of this Court was not complied with. Hence, the petitioner also filed a contempt petition in Cont.P.(MD)No.1514 of 2024. While the matter stood thus, the first respondent passed the order impugned in this writ petition refusing to accord approval to the petitioner's appointment. Challenging the same, the petitioner has filed this writ petition.

5.The issue involved in this writ petition has already been settled in the judgment of this Court 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.***



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6. The petitioner's appointment has been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the petitioner can get the advantage of getting approval of her appointment as Secondary Grade Teacher.

7. In view of the above stated reasons, this Writ Petition is allowed and the impugned order of the first respondent in Na.Ka.No. 1943 / A1/2023, dated ---.07.2024 is set aside. The first respondent is directed to consider and pass orders regarding approval of appointment of the petitioner as Secondary Grade Teacher with effect from 05.1.2017. 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.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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R.N.MANJULA, J.

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