



W.P.(MD)No.18049 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.18049 of 2024 &
W.M.P.(MD)No.15443 of 2024

J.B.Blessy Litta

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary, Department of School Education,
Fort St.George, Chennai - 600 009.

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

3.The Chief Educational Officer,
Nagercoil - 629 001,
Kanyakumari District.

4.The District Educational Officer,
Kuzhithurai - 629 163,
Kanyakumari 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 relating to the impugned order dated 18.06.2024 in Na.Ka.No.2394/Aa4/2024 issued by the third respondent Chief Educational Officer quash the same and direct the respondents to grant prior permission to fill up the post of P.G. Assistant (Tamil) in the petitioner School.



W.P.(MD)No.18049 of 2024

WEB COPY

For Petitioner : Mr.Ashaiq Ismail
for Mr.T.Cibichakraborty

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.Ashaiq Ismail, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this petition seeking to quash the impugned order of the third respondent dated 18.06.2024 in Na.Ka.No. 2394/Aa4/ 2024 and to direct the respondents to grant prior permission to fill up the post of P.G. Assistant (Tamil) in their School.

3. One A.Jeya Kumar who was working as a P.G. Assistant (Tamil) in the petitioner School retired on 31.07.2023 and the said post became vacant on his retirement. Therefore, the petitioner School sent a proposal to the third respondent through the fourth respondent seeking prior permission to fill up the above said vacancy. However the said



W.P.(MD)No.18049 of 2024

proposal has been rejected by the third respondent by stating the reason that permission cannot be granted because the School has four B.T. Assistants as surplus. Challenging the same, the present petition is filed.

4. The impugned order appears to have been passed with an idea to compel the petitioner School to consider to promote the surplus B.T. Assistants to P.G. Assistant in the vacancy now available in their School by invoking the Private School Regulations Act.

5. But, Mr.Ashaiq Ismail, learned counsel appearing for the petitioner submitted that the provisions of the said Act can be invoked only if the existing surplus Teachers are found to be qualified to be appointed as P.G. Assistant and according to the petitioner School, none of them are qualified.

6. In such case, the petitioner School can re-submit the proposal by stating how the existing four surplus B.T. Assistants are not qualified for promotion to the post of P.G. Assistant and on such re-submission of



W.P.(MD)No.18049 of 2024

WEB COPY

the proposal, the same shall be considered and appropriate orders be passed for granting permission if the surplus Teachers are not found to be fit for appointment to the post of P.G. Assistant.

7. In view of the above stated reasons, the writ petition is **disposed of** and the impugned order of the third respondent dated 18.06.2024 in Na.Ka.No.2394/Aa4/ 2024 is set aside. The petitioner School is at liberty to give a fresh proposal to the third respondent in the light of the above observations within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent shall consider the same and pass orders on merits within a period of four weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

01.08.2024

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

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W.P.(MD)No.18049 of 2024

To
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- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
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W.P.(MD)No.18049 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.18049 of 2024

01.08.2024