



WP(MD) No.18720 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.18720 of 2024

and

W.M.P(MD)Nos.15844, 15846, 15847 & 15850 of 2024

The Correspondent

RC Higher Secondary School,

Peria Anaikaraipatty - 621 315,

Trichy District.

... Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its Secretary,

Department of School Education,

Fort St. George,

Chennai - 600 009.

2.The Director of School Education,

College Road,

Chennai - 600 009.



WP(MD) No.18720 of 2024

3.The Chief Educational Officer
Trichy,
Trichy District.

4.The District Educational Officer,
Trichy,
Trichy 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 Government Orders issued by the 3rd respondent Chief Educational Officer in Mu.Mu.No. 3946/Aa4/2023 dated 00.07.2024 (signed on 16.07.2024) quash the same and further direct the 3rd respondent Chief Educational Officer to approve the appointment of Mr.S.Robert Sudhagar as BT Assistant (Maths) w.e.f., 11.06.2018 in the petitioner-school with all attendant benefits including the arrears of salary and allowances.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.T.Amjadkhan

Government Advocate



WP(MD) No.18720 of 2024

WEB COPY

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Certiorarified Mandamus to call for the records relating to the impugned Government Orders issued by the 3rd respondent Chief Educational Officer in Mu.Mu.No. 3946/Aa4/2023 dated 00.07.2024 (signed on 16.07.2024) quash the same and further direct the 3rd respondent Chief Educational Officer to approve the appointment of Mr.S.Robert Sudhagar as BT Assistant (Maths) w.e.f., 11.06.2018 in the petitioner-school with all attendant benefits including the arrears of salary and allowances.

2. Heard Mr.K.Prabhu, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

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



WP(MD) No.18720 of 2024

WEB COPY

4. The petitioner-school has appointed one S.Robert Sudhagar as a B.T Assistant (Maths) on 11.06.2018. Thereafter, proposal was sent to the Government for approval and the same was pending. The learned counsel for the petitioner submits that the third respondent while fixing the staff fixation order for the year 2022-2023 in Na.Ka.No.7300/A4/Aa4/2022 dated 00.01.2023 sanctioned the said post of B.T Assistant in Maths as vacant. The third respondent denying the approval to the appointment to fill up the sanctioned vacancy for the reason that there are surplus teachers working in other schools is untenable. There is no reason to withhold the approval to the appointment of B.T Assistant Maths and hence, the petitioner has filed this writ petition.

5. The learned counsel for the petitioner submitted that as per the settled decision of this Court dated 31.03.2021 in W.A.(MD)No. 76 of 2019 etc., batch, the above G.O.(Ms)No.165 is not applicable to the case of the petitioner.



WP(MD) No.18720 of 2024

WEB COPY

6. When similar issue came up for consideration before this Court in W.P(MD)No.7479 of 2024 dated 17.04.2024, the following order has been passed :

*“5. The learned counsel for the petitioner also submitted that the Government Order in G.O.Ms.No. 165 dated 17.09.2019 has been kept inoperative 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 vs Iruthaya Amali** and the relevant portion of the order is extracted hereunder:*

“95. In view of the aforesaid discussions, we are inclined to pass the following orders in this batch of cases :

.....

(o) In view of the aforesaid, the G.O.Ms.No.165, School Education [Tho.Ka. 2(1)] Department, dated 17.09.2019 is hereby declared to be inoperative.”

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



WP(MD) No.18720 of 2024

School gets the advantage of getting approval of the appointment of Sunitha as B.T.Assistant Maths. Therefore, the respondents cannot decline the approval of the appointment for the reasons of TET eligibility or for deployment of the alleged surplus.

*7. In view of the above stated reasons, this Writ Petition is **allowed** and the impugned order dated 08.09.2020 is set aside. The respondents 3 and 4 are directed to consider and pass orders regarding approval of appointment of Sunitha as B.T.Assistant Maths with effect from 01.08.2017. 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. Consequently, connected miscellaneous petitions are closed.”*

8. In view of the above stated reasons and the decision given by this Court in the aforesaid writ appeal and writ petition, this Writ Petition is **allowed** and the impugned proceedings of the third respondent dated 00.07.2024 (signed on 16.07.2024) is set aside. The respondents 3 and 4 are directed to consider and pass orders regarding approval of appointment of Mr.S.Robert Sudhagar as BT Assistant



WP(MD) No.18720 of 2024

WEB COPY

(Maths) in the petitioner's school with effect from 11.06.2018. 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. Consequently, connected miscellaneous petitions are closed.

02.08.2024

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

RM

To

- 1.The Secretary,
The State of Tamil Nadu
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 009.
- 3.The Chief Educational Officer
Trichy,
Trichy District.
- 4.The District Educational Officer,
Trichy,
Trichy District.



WEB COPY



WP(MD) No.18720 of 2024

R.N.MANJULA, J.

RM

W.P.(MD)No.18720 of 2024

02.08.2024