



W.P.(MD).Nos.18058 to 18060 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).Nos.18058 to 18060 of 2023
and W.M.P(MD) Nos.24930, 25213 and 25226 of 2023

V.Kavitha

... Petitioner in W.P(MD) No.18058 of 2023

S.Ananth

... Petitioner in W.P(MD) No.18059 of 2023

N.Akil Jeevitha

... Petitioner in W.P(MD) No.18060 of 2023

Vs

1. The Director,
School Education Department,
DPI Campus, College Road, Chennai.
2. The Joint Director (Secondary),
School Education Department,
DPI Campus, College Road, Chennai.
3. The Chief Educational Officer,
Tenkasi, Tenkasi District.
4. The District Educational Officer,
Tenkasi, Tenkasi District.
5. The Secretary,
Hindu Nadar Uravinmurai Committee
Higher Secondary School, Ariyanayagipuram,
Kadaiyanallur Taluk, Tenkasi District.

... Respondents in all the petitions



W.P.(MD).Nos.18058 to 18060 of 2023

Prayer in W.P(MD) No.18058 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent herein in his proceedings in Na.Ka.No.2860/AA2/2021, dated 21.04.2022 and quash the same as illegal and further direct the 3rd respondent herein to pass appropriate orders to accord approval for the petitioner's appointment as B.T.Assistant (Tamil) in the 5th respondent school from 01.12.2021 within the time period stipulated by this Court.

Prayer in W.P(MD) No.18059 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent herein in his proceedings in Na.Ka.No.2855/AA2/2021, dated 21.04.2022 and quash the same as illegal and further direct the 3rd respondent herein to pass appropriate orders to accord approval for the petitioner's appointment as B.T.Assistant (Maths) in the 5th respondent school from 03.03.2021 within the time period stipulated by this Court.

Prayer in W.P(MD) No.18060 of 2023 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent herein in his proceedings in Na.Ka.No.2861/AA2/2021, dated 21.04.2022 and quash the same as illegal and further direct the 3rd respondent herein to pass appropriate orders to accord approval for the petitioner's appointment as Post Graduate Teacher (Zoology) in the 5th respondent school from 01.02.2021 within the time period stipulated by this Court.



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In all the petitions:

For Petitioners : Mr. D.Nallathambi

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

COMMON ORDER

The petitioners have filed these Writ Petitions challenging the impugned proceedings of the 3rd respondent, dated 21.04.2022 and to direct the 3rd respondent to accord approval for the petitioners' appointment in the 5th respondent school from the date of their respective appointment.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents. Perused the materials available on record.

3.The petitioner in W.P(MD) No.18058 of 2023, has been appointed as B.T.Assistant (Tamil) in the vacancy arose as against the retirement of one P.Palanisamy, who retired on 30.11.2019. Earlier, the 5th respondent has filed a writ petition in W.P(MD) No.12918 of 2021 seeking approval of the appointment of the petitioner in the said writ petition, in which, vide order, dated 29.07.2021 it has been held by this Court as under:



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“5. Considering the above materials, without deciding the issue on merits, the respondents are directed to consider the proposals of the petitioner school dated 09.09.2020 for prior permission and 07.02.2021 for approval of appointment of the said V.Kavitha as B.T.Assistant (Tamil) and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.”

4.The petitioner in W.P(MD) No.18059 of 2023, has been appointed as B.T.Assistant (Maths) in the vacancy arose as against death of one Lavanya, who died on 30.11.2019. Earlier, the 5th respondent has filed a writ petition in W.P(MD) No.12916 of 2021 for seeking approval of the appointment of the petitioner in the said writ petition, in which, vide order, dated 29.07.2021 it has been held by this Court as under:

“5. Considering the above materials, without deciding the issue on merits, the respondents are directed to consider the proposals of the petitioner school dated 09.09.2020 for prior permission and 03.03.2021 for approval of appointment of the said S.Anand as B.T.Assistant (Maths) and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.”



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5.The petitioner in W.P(MD) No.18060 of 2023, has been appointed as P.G.Assistant (Zoology) in the vacancy arose as against the retirement one V.Karunanidhi, who retired on 30.05.2020. Earlier, the 5th respondent has filed a writ petition in W.P(MD) No.12917 of 2021 for seeking approval of the appointment of the petitioner in the said writ petition, in which, vide order, dated 29.07.2021 it has been held by this Court as under:

“5. Considering the above materials, without deciding the issue on merits, the respondents are directed to consider the proposals of the petitioner school dated 09.09.2020 for prior permission and 07.02.2021 for approval of appointment of the said V.Kavitha as P.G.Assistant (Zoology) and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.”

6.However, it is seen from the records that in W.P(MD) No.18060 of 2023, the fourth respondent has recommended the approval for the appointment of the petitioner to the third respondent and the same is still pending. Even without considering the same, the third respondent has chosen to pass the order of rejection. In the other two petitions ie., W.P.(MD) Nos. 18058 and 18059 of 2023 also the third respondent has chosen to pass the order of rejection. The impugned orders of rejecting the approval of the appointment



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of the respective petitioners, even before deciding the prior permission and without any reference to prior proceedings, dated 29.07.2023 in respect of petitioner Agil Jeevitha in W.P(MD) No.18060 of 2023 are prematured.

7.In view of the above discussions, these writ petitions stand allowed and the impugned orders, dated 21.04.2022 are hereby set aside and the third respondent is directed to give a fresh look into the matter in view of the pending proceedings and the recommendation of the fourth respondent and pass orders afresh, within a period of eight (8) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.04.2024

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



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To

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1. The Director,
School Education Department,
DPI Campus, College Road, Chennai.
2. The Joint Director (Secondary),
School Education Department,
DPI Campus, College Road, Chennai.
3. The Chief Educational Officer,
Tenkasi, Tenkasi District.
4. The District Educational Officer,
Tenkasi, Tenkasi District.
5. The Secretary,
Hindu Nadar Uravinmurai Committee
Higher Secondary School, Ariyanayagipuram,
Kadaiyanallur Taluk, Tenkasi District.



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R.N.MANJULA, J.

PNM

**COMMON ORDER IN
W.P.(MD).Nos.18058 to 18060 of 2023
and W.M.P(MD) Nos.24930, 25213 and 25226 of 2023**

12.04.2024