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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19667 of 2024
and
W.M.P(MD) No.16675 of 2024

A.Hemadevi ... Petitioner

Vs.

1. The Chief Educational Officer,
   Thanjavur District.

2. The District Educational Officer,
   (Secondary),
   Thanjavur,
   Thanjavur District.

3. The Correspondent,
   Girls Christian Higher Secondary School,
   Thanjavur. ... Respondents

PRAYER: 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 pertaining to the order passed by the second respondent in his proceedings in O.Mu.No.3679/A5/2023, dated 27.07.2023 and quash the same and direct the respondents to approve the appointment of the petitioner as P.G.Assistant (Chemistry) from the date of appointment i.e., from 04.02.2021 with all consequential benefits.

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For Petitioner : Mr.V.Panneer Selvam

For R1 and R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R3 : No appearance

O R D E R

The instant Writ Petition has been filed by a P.G.Assistant (Chemistry) appointed in the third respondent School, challenging the order passed by the second respondent herein, wherein her appointment to the third respondent School was not approved.

2. A perusal of the impugned order reveals that the proposal forwarded by the Management has been rejected on the ground that Rule 15(4) of Tamil Nadu Private Schools (Regulation) Rules, have not been followed and staff fixation order for the academic year 2022-2023 has not been enclosed. This order is under challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, the petitioner was appointed as B.T Assistant (Chemistry) on 04.02.2021 and

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therefore, the staff fixation order for the year 2021 alone has to be considered. That apart, the School being a Minority Institution falling under the Corporate Management, it is exempted from following Rule 15(4) of Tamil Nadu Private Schools (Regulation) Rules, 1974.

4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 relying upon paragraph No.12 of the counter affidavit had contended that as per the staff fixation order for the academic year 2022-2023, only one post of P.G.Assistant (Chemistry) has been sanctioned and already one Chemistry Teacher is working there and therefore, the petitioner cannot be appointed.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. The petitioner has been appointed on 04.02.2021, the staff fixation order for the year 2020-2021 alone has to be taken into consideration. Due to Covid-19, the authorities have not issued staff fixation order for the academic year 2020-2021. Therefore, the authorities have to consider the staff fixation

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order for the previous academic year 2019-2020. As per the said staff fixation order, the School has been sanctioned with two teachers for P.G.Assistant (Chemistry). Only one of them namely, Tmt.Patricia Jeyakodi is working in the said School. Therefore, the appointment of the petitioner to the post of P.G.Assistant (Chemistry) cannot be considered to the surplus.

7. As rightly contended by the learned counsel appearing for the petitioner, the School being a Minority Institution, is exempted from following Rule 15(4) of Tamil Nadu Private Schools (Regulation) Rules.

8. In view of the above said facts, the order impugned in the writ petition is set aside and the first respondent herein is directed to consider the proposal of the third respondent Management and to approve the appointment of the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

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9. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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

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   (Secondary),
   Thanjavur,
   Thanjavur District.

3. The Correspondent,
   Girls Christian Higher Secondary School,
   Thanjavur.

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