



W.P.(MD).No.20073 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20073 of 2024

The Correspondent,
St. Joseph's Girls Higher Secondary School,
Madurai – 625 009,
Madurai 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 – 600 006.
3. The Chief Educational Officer,
Madurai, Madurai District.
4. The District Educational Officer,
(Secondary Education),
Melur – 625 106
Madurai District.

... Respondents



W.P.(MD).No.20073 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Chief Educational Officer herein to approve forthwith the appointment of M.Esther Karthika as B.T Assistant English the petitioner's school namely, St.Joseph's Girls Higher Secondary School, Madurai, w.e.f. 07.06.2017 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 Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by the Management of an Aided Minority Institution, seeking a Mandamus as against the third respondent to approve the appointment of B.T Assistant (English).

2. One M.Esther Karthika was appointed as a B.T Assistant (English) in the petitioner's School w.e.f., 07.06.2017. The Management has forwarded a proposal to the Educational Authorities on 23.04.2018. Though it was returned for rectification of certain defects, the same has been clarified and re-submitted by the Management. However, so far the third respondent has not chosen to pass any orders.



W.P.(MD).No.20073 of 2024

WEB COPY

3. According to the learned counsel appearing for the writ petitioner, though the School falls within the Corporate Management, there are no surplus B.T.Assistant (English) for the concerned academic year in which the said M.Esther Karthika was appointed.

4. Considering the fact that the petitioner's Management is a Minority Institution and as per the orders of the Hon'ble Division Bench of this Court, it is not mandatory to seek prior permission before appointing her as a teacher in the Minority Institution, the third respondent is directed to pass orders, on the proposal forwarded by the Management within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

11.09.2024
5/5

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



W.P.(MD).No.20073 of 2024

WEB COPY

To

1. The 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,
Madurai, Madurai District.
4. The District Educational Officer,
(Secondary Education),
Melur – 625 106
Madurai District.



WEB COPY



W.P.(MD).No.20073 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.20073 of 2024

11.09.2024

5/5