



W.P.(MD).No.19148 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19148 of 2023
and WMP(MD)No.15888 of 2023

A.Peter Rubilas

... Petitioner

Vs

1. The Joint Director of School Education,
O/o.The Joint Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Education Officer,
O/o.The Chief Education Officer,
Tirunelveli.
3. The District Educational Officer,
O/o.The District Education Officer,
Valliyoar, Tirunelveli.
4. The Manager,
R.C.Schools, Tuticorin Diocese,
Catholic Bishops House,
Tuticorin - 628 001.
5. The Secretary,
St.Kitheri High School,
Koothenkuzhi, Tirunelveli District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Moo.Mu.No. 1078/Aa3/2023, dated 06.06.2023 on the file of the Respondent no.2 and quash the same as illegal and consequently for a direction, directing the Respondent No.1 to direct the Respondent no.2 and 3 to approve the appointment of the petitioner from the date of his appointment, dated 18.11.2016 in the post of the B.T.Assistant at the Respondent No.5 School and to disburse Salary and all other consequential benefits within the time stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondents : Mr.N.Ramesh Arumugam (R1-R3)
Government Advocate

ORDER

The present writ petition has been filed challenging the impugned order in Moo.Mu.No. 1078/Aa3/2023, dated 06.06.2023 on the file of the Respondent no.2 and directing the Respondent No.1 to direct the Respondent no.2 and 3 to approve the appointment of the petitioner from the date of his appointment, dated 18.11.2016 in the post of the B.T.Assistant at the Respondent No.5 School and to disburse Salary and all other consequential benefits within the time stipulated by this Court.



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2. Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1-3. Perused the materials on record.

3. The present writ petition has been filed by a B.T. Assistant English challenging the order passed by the second respondent, dated 06.06.2023, in which, his appointment has not been approved.

4. A perusal of the impugned order indicates that the approval has been rejected primarily on the ground that SLP is pending before the Hon'ble Supreme Court challenging the orders of this Court in a batch of writ appeal in W.A(MD)Nos.76 of 2019, dated 31.03.2021.

5. The pendency of the SLP before the Hon'ble Apex Court challenging the order of the Division Bench of this Court in a batch of writ appeals in W.A(MD)Nos.76 of 2019 has nothing to do with the consideration of the approval of the writ petitioner.



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6. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the second respondent. The Corporate Management is directed to approach the second respondent with all the relevant records to indicate that there are no surplus B.T.Assistant (English) within the Corporate Management in the academic year 2016-2017. On receipt of the same, the second respondent is directed to issue a certificate to the said effect. Based upon the said certificate, the third respondent herein is directed to approve the appointment of the writ petitioner as B.T.Assistant (English) with effect from 18.11.2016 with all attendant benefits, if she is otherwise qualified. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is allowed.

12.03.2024

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



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To

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O/o.The Joint Director of School Education,
DPI Campus, College Road,
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2. The Chief Education Officer,
O/o.The Chief Education Officer,
Tirunelveli.
3. The District Educational Officer,
O/o.The District Education Officer,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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