



W.P.(MD).No.19278 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.19278 of 2023
and
W.M.P.(MD).No.15974 of 2023

N.Daniel Jegan

...Petitioner

Vs

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George,
Chennai – 9.
- 2.The Commissioner of School Education,
D.P.I. Campus,
College Road,
Chennai – 6.
- 3.The Chief Educational Officer,
Tirunelveli.
- 4.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.
- 5.The Secretary and Correspondent,
West Tirunelveli Higher Secondary School,
Nallur,
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 Mandamus, directing the respondents 1 to 4 to sanction and approve the post of B.T.Assistant (History) of the petitioner in the fifth respondent School and disburse the eligible salary and other benefits from 08.07.2019.

For Petitioner : Mr.C.Godwin

For R-1 to R-4 : Mr.M.Siddharthan
Additional Government Pleader

For R-5 : Mr.H.Arumugam

ORDER

Heard Mr.C.Godwin, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 to 4 and Mr.H.Arumugam, learned Counsel for the 5th respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus seeking direction against the respondents 1 to 4 to sanction and approve the appointment of the petitioner in the post of B.T.Assistant (History) in the fifth respondent School and disburse the eligible salary and other benefits from 08.07.2019.



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3. Mr.C.Godwin, learned counsel for the petitioner submitted that the petitioner is said to have been appointed as B.T.Assistant (History) in the fifth respondent School with effect from 08.07.2019. When the proposal of the petitioner's appointment was sent for approval and for sanction, to the authorities concerned, it was kept pending. However, the grievance of the petitioner is that he was not allowed to enter into the School for the academic year 2020-2021, even though the other similarly placed teachers were allowed to work by the Management. It appears that the fifth respondent School has submitted papers for getting approval from the fourth respondent/District Educational Officer.

4. Form the submission made by the learned counsel for the petitioner, it is not known whether the petitioner has been appointed only as against the sanctioned post or non-sanctioned post. If the petitioner has been appointed against the non-sactioned post, then it is difficult for the fifth respondent School authorities to get approval of the petitioner's appointment. In the appointment order also, it is stated that the appointment is subject to the approval from the Government and that the salary will be disbursed only when the staff grant is allowed by the



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Government. So, continuing in the fifth respondent School is at the risk of the petitioner, as he may or may not get the salary depending upon the result of the proposal sent for approval.

5. The petitioner attracts the attention of this Court to the terms of agreement of the Management, wherein it is stated that the Correspondent shall not dismiss, remove or reduce in rank or terminate the service of the employee without following the rules prescribed in T.D.T.A Management for taking disciplinary action. But that agreement will not be of any use to the petitioner unless he has become regular teacher. So the question of removing, dismissing and reducing in rank would arise only when the petitioner's appointment is approved.

6. Since the fifth respondent has moved the papers for getting the petitioner's proposal to be approved, it is appropriate for the petitioner to wait until the Government takes a decision. However, it is up to the petitioner to work in the fifth respondent School but without any guarantee for salary until his appointment is approved by the authorities concerned, in accordance with the rules.



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7. As such, no order has been passed so far by considering the proposal sent by the fifth respondent in respect of the appointment of the petitioner on merits. Hence, the petitioner is at liberty to approach the fifth respondent School for getting approval for his appointment.

8. With the above observations, this Writ Petition is **disposed of**.
No costs. Consequently, connected miscellaneous petition is closed.

19.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

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The Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai – 9.



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R.N.MANJULA, J.

Nsr

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