



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.20403 of 2024

and

W.M.P(MD)No.17309 of 2024

The Secretary,
Devangar Higher Secondary School,
Neeravi, Kamudhi Taluk,
Ramanathapuram District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.

2.The Joint Director of School Education,
(Secondary Education),
College Road, Chennai – 600 006.

3.The Chief Educational Office,
Ramanthapuram,
Ramanthapuram District.

4.The District Educational Officer,
(Secondary Education),
Ramanathapuram,
Ramanathapuram District.

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent DEO in A.Thi.Mu.No. 5241/A4/2022 signed on 21.10.2022 and the consequential impugned proceeding in A.Thi.Mu.No.1872/A4/2023 dated 12.05.2023 quash the same, further direct the 3rd respondent Chief Educational Officer herein to forthwith accord prior permission to fill up the sanctioned vacancy of single post of Physical Education teacher in the petitioner's school namely, Devangar Higher Secondary School, Neeravi.

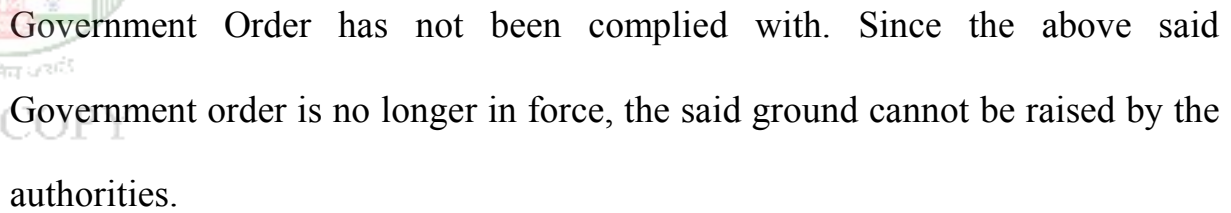
For Petitioner : M/s.A.Amala

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Secretary of an aided non-minority institution, challenging the order dated 21.10.2022 and 12.05.2023, wherein the request for prior approval for filling up the post of Physical Education Teacher has been returned.

2.A perusal of the impugned order dated 21.10.2022 reveals that they have relied upon G.O.Ms.No.165, School Education(Elementary Education-2(1), dated 17.09.2019, for returning the said proposal and the said



4. When the staff fixation order for the said school reveals that the Physical Education Teacher post is a sanctioned post, the request for prior approval cannot be rejected on the ground that the authorities are yet to receive specific guidelines from the higher officials.

5. In view of the above said facts, both the orders impugned in the writ petition are hereby set aside and the matter is remitted back to the fourth respondent herein. The fourth respondent is directed to forward the proposal to the third respondent and the third respondent shall pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



WEB COPY

6. With the above said observations, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is also closed.

11.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



WEB COPY

To

1.The Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.

2.The Joint Director of School Education,
(Secondary Education),
College Road, Chennai – 600 006.

3.The Chief Educational Office,
Ramanthapuram,
Ramanthapuram District.

4.The District Educational Officer,
(Secondary Education),
Ramanathapuram,
Ramanathapuram District.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

W.P(MD)No.20403 of 2024
and
W.M.P(MD)No.17309 of 2024

11.09.2024