



W.P.(MD).No.20475 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20475 of 2024

The Secretary,
Hindu Nadar Uravinmurai Committee
Higher Secondary School,
Ariyanayagipuram,
Kadaiyanallur Taluk,
Tenkasi District.

... Petitioner

Vs.

1. The Director,
School Education Department,
DPI Campus,
College Road,
Chennai.
2. The Joint Director (Secondary),
School Education Department,
DPI Campus,
College Road,
Chennai.
3. The Chief Educational Officer,
Tenkasi,
Tenkasi District.



W.P.(MD).No.20475 of 2024

4. The District Educational Officer,
Tenkasi,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent herein to grant prior permission for filling up the post of B.T.Assistant (Maths) in the writ petitioner's School by considering the proposal dated 06.03.2024 and consequently accord approval for the appointment of Mrs.M.Ezhil Rosary as B.T.Assistant (Maths) from the date of granting such prior permission by considering the proposal dated 06.03.2024 within the time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed by an Aided Non-Minority Institution seeking a Mandamus as against the educational authorities for granting prior permission for filling up the post of B.T.Assistant (Maths) by considering their proposal dated 06.03.2024 and accord approval to the appointment of Mrs.M.Ezhil Rosary as B.T.Assistant (Maths) from the date of granting such prior permission.



W.P.(MD).No.20475 of 2024

WEB COPY

2. It could be seen from the records that the Management has sought prior permission for appointing Mrs.M.Ezhil Rosary as B.T.Assistant (Maths) from the educational authorities by way of proposal dated 09.09.2020. When the said prior permission application was pending with the authorities, the Management proceeded to appoint one S.Anand as B.T.Assistant (Maths). However, the authorities have rejected the approval sought for by the Management for the appointment of S.Anand on the ground that prior permission has not been obtained. Challenging the same, the said S.Anand along with two others had filed W.P(MD) Nos. 18058 to 18060 of 2023. This Court, by a common order, dated 12.04.2024, has set aside the order and directed the Chief Educational Officer, Tenkasi, to give a fresh look into the matter, in view of the pendency of proceedings and the recommendation of the fourth respondent and pass orders afresh.

3. In the mean time, the said S.Anand had resigned from the job. Therefore, the Management had proceeded to appoint M.Ezhil Rosary and thereafter, they have sent a consolidated proposal on 06.03.2024, to the Educational Authorities requesting them to grant prior permission as well as the approval for the appointment of M.Ezhil Rosary as B.T.Assistant (Maths).



W.P.(MD).No.20475 of 2024

WEB COPY

Since the request is yet to be considered, the present writ petition has been filed.

4. It could be seen from the records that this Court, by an order dated 12.04.2024, has already directed the authorities to give a fresh look into the matter with regard to grant of prior approval for filling up the post of B.T.Assistant (Maths). In case, if the authorities arrive at a finding that the prior permission can be granted to fill up the post of B.T.Assistant (Maths) in the petitioner's School, thereafter, they would consider for granting approval to the appointment of Mrs.M.Ezhil Rosary, as B.T.Assistant (Maths) from the date of granting prior permission, based upon the qualification of the concerned teacher.

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

29.08.2024

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



W.P.(MD).No.20475 of 2024

WEB COPY To

1. The Director,
School Education Department,
DPI Campus,
College Road,
Chennai.
2. The Joint Director (Secondary),
School Education Department,
DPI Campus,
College Road,
Chennai.
3. The Chief Educational Officer,
Tenkasi,
Tenkasi District.
4. The District Educational Officer,
Tenkasi,
Tenkasi District.



WEB COPY



W.P.(MD).No.20475 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.20475 of 2024

29.08.2024