



W.P.(MD).No.20575 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20575 of 2023
and WMP(MD)No.16997 of 2023

N.Nisha

....Petitioner

/Vs/

1. The Govt. of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Department of School Education,
Fort St. George,
Chennai - 9..
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tuticorin District.
4. The District Educational Officer,
The Office of the District Educational Officer,
Thiruchendur, Thoothukudi District.
5. The Correspondent,
St. Josephs Higher fourthary School,
Punnaikayal, Tuticorin 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, calling for the records, pertaining to the impugned proceedings, dated 11.08.2022, in O.Mu. No. 861/AA4/2022, on the file of the 4th respondent and quash the same, directing the respondents, to accord approval to the appointment of the petitioner, N. Nisha, working as B.T. Asst. (Maths) in the 5th respondent, St. Josephs Higher fourthary School, Punnaikayal, Tuticorin District, w.e.f. 24.07.2018, and release salary with all monetary and service benefits.

For Petitioner : Fr.S.Savarimuthu

For Respondents : Mr.N.Ramesh Arumugam (R1-R4)
Government Advocate

ORDER

The present writ petition has been filed challenging the impugned proceedings, dated 11.08.2022, in O.Mu. No.861/AA4/2022, on the file of the 4th respondent, directing the respondents, to accord approval to the appointment of the petitioner, N. Nisha, working as B.T. Asst. (Maths) in the 5th respondent, St. Josephs Higher fourthary School, Punnaikayal, Tuticorin District, w.e.f. 24.07.2018, and release salary with all monetary and service benefits.

2.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1-4. Perused the materials on record.



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3.The present writ petition has been filed by a B.T.Assistant Maths challenging the order passed by the fourth respondent, dated 11.08.2022, in which, her 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.

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 fourth respondent. The Corporate Management is directed to submit the third respondent with all the relevant records to indicate that there are no surplus B.T.Assistant (Maths) within the Corporate Management in the academic year



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2018-2019. On receipt of the same, the third respondent is directed to issue a certificate to the said effect. Based upon the said certificate, the fourth respondent herein is directed to approve the appointment of the writ petitioner as B.T.Assistant (Maths) with effect from 24.07.2018 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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L.VICTORIA GOWRI, J.

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ORDER IN
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