



W.P.(MD).No.21772 of 2024

WEB COPY

DATED : 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21772 of 2024

and

W.M.P(MD)Nos.18396 & 18397 of 2024

N.Selvakumar

... Petitioner

Vs

1.The Director of School Education,
O/o.Director of School Education,
DPI Campus, Nungambakkam,
Chennai.

2.The Chief Educational Officer,
O/o.the Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

3.The District Educational Officer(Secondary),
O/o.the District Educational Office,
Mandapam, Ramanathapuram,
Ramanathapuram District.

4.The Correspondent,
Syed Ammal Higher Secondary School,
Ramathapuram,
Ramanathapuram District.

... Respondents



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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 order passed by the 2nd respondent vide his proceedings Pa.Mu.No. 5520/A3/2024 dated 21.08.2024 and quash the same as illegal and consequential to direct the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant (History) w.e.f. 10.06.2019 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel for
M/s.Ajmal Associates

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for RR1 to 3

ORDER

The instant writ petition has been filed by a BT Assistant (History) Teacher appointed to the fourth respondent school, seeking to quash the order passed by the second respondent herein on 21.08.2024, wherein the authorities have refused to grant approval to the appointment of the writ petitioner on the following grounds:-

a) one V.Arockiasamy who was working as BT Assistant (History) had retired from service on attaining superannuation on 31.03.2018. In the said vacancy, one S.Pandiyan was appointed on 01.04.2018. For his appointment, approval has not been obtained. That apart, it is stated that the said S.Pandiyan



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has resigned his post. The authorities have not yet granted their approval for relieving the said Pandiyan. In such circumstances, the writ petitioner has been appointed on 10.06.2019 and approval has been sought for. Therefore, approval cannot be granted; and

b) there are surplus BT Assistant Teachers in the year 2023-2024.

2. According to the learned Senior Counsel appearing for the writ petitioner, though it is true that one S.Pandiyan was appointed in the retirement vacancy of V.Arockiasamy, the approval of the said S.Pandiyan has been rejected by the authorities on the ground that he has produced fake certificate. Thereafter, the said S.Pandiyan has given his resignation letter. In such circumstances, the Management has appointed the petitioner on 10.06.2019. Therefore, the authorities cannot insist upon the approval for the appointment of S.Pandiyan or approval for relieving order of S.Pandiyan.

3. The learned Senior Counsel appearing for the writ petitioner had further contended that the appointment of the petitioner having been made in the year 2019, the authorities cannot rely upon the alleged surplus teachers in the academic year 2023-2024.



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4.Per contra, the learned Additional Government Pleader appearing for the respondents herein had contended that unless the appointment of one S.Pandiyan is approved and his resignation is also accepted by the authorities, some dispute may arise in future with regard to the liability to pay salary. He further contended that there are surplus Secondary BT Assistant Teachers in the academic year 2023-2024 and in such circumstances, the appointment of the writ petitioner cannot be approved.

5.I have carefully considered the submissions made on either side and perused the materials available on record.

6.As could be seen from the records that the fourth respondent school is a stand alone minority institution. One V.Arockiasamy who was working as BT Assistant (History) Teacher has retired from service on attaining superannuation on 31.03.2018. Though S.Pandiyan was appointed to the said post by the Management on 01.06.2018, his appointment has not been approved by the authorities, in view of the fact that the said S.Pandiyan has produced some fake certificates. In such circumstances, the question of resignation or approving such resignation would not arise. Therefore, such a reason cannot be assigned by the authorities for rejecting the approval of the appointment of the writ



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petitioner who was later appointed on 10.06.2019. That apart, the petitioner having been appointed on the basis of the staff fixation for the academic year 2018-2019, any surplus in the academic year 2023-2024 cannot be cited as a reason.

7.In view of the above said facts, the order impugned in the writ petition is hereby set aside and the second respondent is directed to approve the appointment of the writ petitioner w.e.f.10.06.2019, with all attendant benefits and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above said deliberations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

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



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R.VIJAYAKUMAR, J.

RJR

To

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Chennai.

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