



W.P.(MD)No.22727 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.22727 of 2019

and

W.M.P.(MD)Nos.19472 & 19473 of 2019 & 2464 of 2020

Nelson

... Petitioner

/Vs./

- 1.The Secretary to Government,
Department of School Education,
St.George Fort, Chennai.
- 2.The Director of School Education,
Dpi Compound,
College Road, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Tenkasi,Tirunelveli District.
- 5.The Secretary,
Rukmani High School,
Mangalapuram,
Tirunelveli District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 3rd respondent in 5977/A3/2019 dated 5.8.2019 and quash the same as illegal.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.T.Amjad Khan (R1 to R4)

Government Advocate

No appearance (R5)

ORDER

This writ petition has been filed challenging the order dated 05.08.2019 passed by the third respondent cancelling the approval granted in favour of the petitioner for being appointed to the post of BT Assistant (Maths) in the fifth respondent school.

2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. The petitioner claims that by a non-speaking order, the petitioner's approval has been cancelled. The petitioner also claims that since G.O.Ms.No.165, School Education



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Department, dated 17.09.2019 has been quashed in the order of the Division Bench of this Court dated 31.03.2021 passed in WA(MD)No.76 of 2019 etc., batch, the question of cancelling the appointment of the petitioner in the fifth respondent school does not arise.

3. A counter affidavit has been filed by the fourth respondent in this writ petition reiterating the contents of the impugned order and denying the contentions of the petitioner.

4. As seen from the impugned order, no specific reason whatsoever has been given for cancelling the approval granted earlier in favour of the petitioner for being appointed to the post of BT Assistant (Maths) in the fifth respondent school. Infact, the approval has been granted on 31.07.2019, whereas the impugned order cancelling the said approval came to be passed on 05.08.2019, within a period of one month from the date of grant of approval. The impugned order states that due to various administrative reasons, the approval granted in favour of the petitioner has been cancelled. Being a non-speaking order and being an order passed in violation of principles of natural justice, as no



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opportunity of hearing was granted to the petitioner, necessarily the impugned order has to be quashed and this writ petition will have to be allowed. Accordingly, the impugned order dated 05.08.2019 passed by the third respondent is hereby quashed and this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
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(1/3)



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ABDUL QUDDHOSE, J.

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Order made in
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(1/3)

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19.09.2024