



W.P.(MD).No.22821 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22821 of 2024

and

W.M.P.(MD) No.19342 of 2024

M.Alagumurugan

... Petitioner

Vs.

1. The Chief Educational Officer,
Tenkasi District.

2. The District Educational Officer
(Secondary)
Tenkasi, Tenkasi District.

3. The Correspondent,
C.E.T.Tennyson High School,
Keelakalangal,
Tenkasi District.

... Respondents

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 order passed by the second respondent in his proceedings O.Mu.No.5411/A1/2023, dated 15.02.2024 and quash the same and direct the respondents to approve the appointment of the petitioner as Junior Assistant from the date of appointment i.e., from 01.08.2022 with all consequential benefits.



WEB COPY



W.P.(MD).No.22821 of 2024

For Petitioner : Mr.V.Panneer Selvam

For R1 and R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Junior Assistant working in the third respondent School, challenging the order passed by the second respondent herein, wherein the request of the Management to approve his appointment has been rejected.

2. A perusal of the impugned order reveals that the approval has been rejected by the second respondent on the ground that so far no guidelines have been issued by the Government for approving the appointment of non teaching staff. The impugned order further points out that there are surplus staff in other schools.

3. According to the learned counsel appearing for the writ petitioner, the third respondent School is a stand alone Minority Institution and therefore, the appointment of the writ petitioner, having been made within the



W.P.(MD).No.22821 of 2024

sanctioned strength, the authorities cannot cite the surplus non teaching staff in the other Schools as a reason for rejecting the request of approval.

4. Though opportunity was granted to the respondents to file counter on the earlier occasion, so far, counter has not been filed. However, the learned Additional Government Pleader appearing for the respondents 1 and 2 had contended that since the authorities are awaiting guidelines from the Government and in view of the Government Orders, unless surplus non-teaching staff are deployed, approval cannot be granted to the non-teaching staff in the third respondent School.

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

6. Admittedly, the third respondent School is a Stand alone Minority Institution. As per the judgment of the Hon'ble Division Bench of this Court reported in W.A.No.816 of 2023, dated 14.06.2023, it is not necessary to obtain prior permission to appoint any non-teaching staff, provided the appointments are made within the sanctioned strength. That apart, the surplus



W.P.(MD).No.22821 of 2024

non-teaching staff in any other Management School or in the Government Schools of the said district would not be a legal impediment for approving the appointment of the writ petitioner.

7. In view of the above said deliberations, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the second respondent. The second respondent is directed to reconsider the same in the right of the observations made by this Court and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

15.10.2024

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



WEB COPY



W.P.(MD).No.22821 of 2024

To

1. The Chief Educational Officer,
Tenkasi District.
2. The District Educational Officer
(Secondary)
Tenkasi, Tenkasi District.
3. The Correspondent,
C.E.T.Tennyson High School,
Keelakalangal,
Tenkasi District.



WEB COPY



W.P.(MD).No.22821 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.22821 of 2024

15.10.2024