



W.P.(MD)Nos.24498, 24499, 24500 and 24501 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)Nos.24498, 24499, 24500 and 24501 of 2022

W.P.(MD)No.24498 of 2022:

Muslim Higher Secondary School,
Represented by its Correspondent,
V.M.Kader Meera Gani,
Abiramam,
Ramanathapuram District.

... Petitioner

Vs.

1.The Chief Educational Officer,
Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
District Educational Office,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.4512/A2/2021 dated 29.12.2021 passed by the first respondent and quash the same and



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consequently direct the respondents to approve the appointment of A.Ali Akbar Riyas in the post of B.T.Assistant Social Science from the date of his appointment i.e., on 04.07.2019 with all consequential monetary benefits and disperse the same within the stipulated time fixed by this Court.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.T.Amjadkhan
Government Advocate

W.P.(MD)No.24499 of 2022:

Muslim Higher Secondary School,
Represented by its Correspondent,
V.M.Kader Meera Gani,
Abiramam,
Ramanathapuram District.

... Petitioner

Vs.

1.The Chief Educational Officer,
Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
District Educational Office,
Paramakudi (now at Ramanathapuram),
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the



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records relating to the impugned order in OO.Mu.No.2517/A1/2022 dated 09.05.2022 passed by the second respondent and quash the same and consequently direct the respondents to approve the appointment of S.Rehana Hameeda in the post of B.T.Assistant (English) from the date of her appointment i.e., on 01.08.2021 with effect from 02.08.2021 with all consequential monetary benefits and disburse the same within the stipulated time fixed by this Court.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.T.Amjadkhan
Government Advocate

W.P.(MD)No.24500 of 2022:

Muslim Higher Secondary School,
Represented by its Correspondent,
V.M.Kader Meera Gani,
Abiramam,
Ramanathapuram District.

... Petitioner

Vs.

1.The Chief Educational Officer,
Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
District Educational Office,
Paramakudi (now at Ramanathapuram),
Ramanathapuram District.

... Respondents



W.P.(MD)Nos.24498, 24499, 24500 and 24501 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in OO.Mu.No.2518/A1/2022 dated 09.05.2022 passed by the second respondent and quash the same and consequently direct the respondents to approve the appointment of V.S.Mohamed Ismail Khan in the post of B.T.Assistant (Maths) from the date of his appointment i.e., on 01.08.2021 with effect from 02.08.2021 with all consequential monetary benefits and disburse the same within the stipulated time fixed by this Court.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.T.Amjadkhan
Government Advocate

W.P.(MD)No.24501 of 2022:

Muslim Higher Secondary School,
Represented by its Correspondent,
V.M.Kader Meera Gani,
Abiramam,
Ramanathapuram District.

... Petitioner

Vs.

1.The Chief Educational Officer,
Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
District Educational Office,
Paramakudi (now at Ramanathapuram),
Ramanathapuram District.

... Respondents



W.P.(MD)Nos.24498, 24499, 24500 and 24501 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in OO.Mu.No.1120/A1/2022 dated 08.04.2022 passed by the second respondent and quash the same and consequently direct the respondents to approve the appointment of M.Malar in the post of B.T.Assistant (Social Science) from the date of her appointment i.e., on 06.12.2021 with all consequential monetary benefits and disburse the same within the stipulated time fixed by this Court.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.T.Amjadkhan
Government Advocate

COMMON ORDER

The issue raised in all the Writ Petitions are one and the same.
Hence, a common order is passed.

2. Heard Mr.T.Antony Arul Raj, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.



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3. These Writ Petitions have been filed seeking to quash the orders dated 29.12.2021, 09.05.2022, 08.04.2022 respectively and to direct the respondents to approve the appointment of A.Ali Akbar Riyas (B.T.Assistant Social Science), S.Rehana Hameeda (B.T.Assistant English), V.S.Mohamed Ismail Khan (B.T.Assistant Maths) and M.Malar (B.T.Assistant Social Science) with effect from 04.07.2019, 02.08.2021, 06.12.2021 respectively.

4. Mr.T.Antony Arul Raj, learned counsel for the petitioner submitted that the petitioner School is a minority institution and the School appointed the following candidates in the respective sanctioned post.

NAME	POST	DATE OF APPOINTMENT
A.Ali Akbar Riyas	B.T.Assistant (Social Science)	03.07.2019 w.e.f. 04.07.2019
S.Rehana Hameeda	B.T.Assistant (English)	01.08.2021 w.e.f. 02.08.2021
V.S.Mohamed Ismail Khan	B.T.Assistant (Maths)	01.08.2021 w.e.f. 02.08.2021
M.Malar	B.T.Assistant (Social Science)	06.12.2021 w.e.f. 06.12.2021



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5. When the petitioner school sent the proposal for approval of the appointment of the aforesaid persons, the same was rejected by citing the Government Order in G.O.Ms.No.165 School Education Department dated 17.09.2019.

6. It is further submitted that the Government Order in G.O.Ms.No.165 dated 17.09.2019 has been kept inoperative in ***W.A.(MD).No.76 of 2019 batch dated 31.03.2021*** in the case of ***The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 vs Iruthaya Amali*** and the relevant portion of the order is extracted hereunder:

“95. In view of the aforesaid discussions, we are inclined to pass the following orders in this batch of cases :

....

(o) In view of the aforesaid, the G.O.Ms.No.165, School Education [Tho.Ka.2(1)] Department, dated 17.09.2019 is hereby declared to be inoperative.”



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7. The appointment of the petitioners has been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the petitioner School can get the advantage of getting approval to the appointment of the petitioners. Therefore, the respondents cannot decline the approval of the appointment by citing G.O.Ms.No.165 dated 17.09.2019. Since the said Government Order has been declared as inoperative, especially, against Minority Institution like the petitioner school, the respondents ought to have considered the above facts before rejecting the proposal regarding approval of appointment.

8. Since the impugned orders have been passed without considering the essential facts and the earlier judicial pronouncements, the impugned orders are liable to be set aside.

9. In view of the above stated reasons,

(i) the Writ Petition in W.P.(MD)No.24498 of 2022 is **allowed** and the impugned proceedings in Na.Ka.No.4512/A2/2021 dated 29.12.2021 is set aside. The respondents are directed to consider and



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pass orders regarding approval of appointment of A.Ali Akbar Riyas in the post of B.T.Assistant (Social Science) with effect from 04.07.2019 with all consequential monetary benefits.

(ii) the Writ Petition in W.P.(MD)No.24499 of 2022 is **allowed** and the impugned proceedings in OO.Mu.No.2517/A1/2022 dated 09.05.2022 is set aside. The respondents are directed to consider and pass orders regarding approval of appointment of S.Rehana Hameeda in the post of B.T.Assistant (English) with effect from 02.08.2021, with all consequential monetary benefits.

(iii) the Writ Petition in W.P.(MD)No.24500 of 2022 is **allowed** and the impugned proceedings in OO.Mu.No.2518/A1/2022 dated 09.05.2022 is set aside. The respondents are directed to consider and pass orders regarding approval of appointment of V.S.Mohamed Ismail Khan in the post of B.T.Assistant (Maths) with effect from 02.08.2021, with all consequential monetary benefits.



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WEB COPY (iv) the Writ Petition in W.P.(MD)No.24501 of 2022 is **allowed** and the impugned proceedings in OO.Mu.No.1120/A1/2022 dated 08.04.2022 is set aside. The respondents are directed to consider and pass orders regarding approval of appointment of M.Malar in the post of B.T.Assistant (Social Science) with effect from 06.12.2021, with all consequential monetary benefits.

The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

20.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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- 1.The Chief Educational Officer,
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- 2.The District Educational Officer,
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R.N.MANJULA, J.

Nsr

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