



W.P.(MD).No.23517 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P.(MD).No.23517 of 2024
and WMP(MD).Nos.19904 & 19905 of 2024**

Syed Ammal Higher Secondary School
Represented through its
Correspondent
Ramanathapuram
Ramanathapuram District

....Petitioner

Vs

1.The State of Tamil Nadu
Represented by its Principal Secretary to Government
School Education Department
Fort.St.George
Secretariat
Chennai 600 009

2.The Director of School Education
DPI Campus
Nungampakkam
College Road
Chennai – 6

3.The Chief Educational Officer
Office of the Chief Educational Office
Ramanathapuram District
Ramanathapuram

4.The District Educational Officer (Secondary)
Office of the District Educational Office
Ramanathapuram, Ramanathapuram District

....Respondents



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Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in அ.தி.மு.எண். 235/அ2/2024 dated 02.02.2024 and quash the same as illegal and consequently directing the 4th respondent approve the appointment of Mr.S.Arunkumar as Junior Assistant w.e.f. the date of appointment ie. 08.09.2021 with all other consequential monetary and service benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
For M/s.Ajmal Associates

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The instant writ petition has been filed by a minority institution challenging an order of return passed by the fourth respondent herein refusing to approve the appointment of one Mr.S.Arunkumar as Junior Assistant.

2.One Mr.M.A.Nagasamy who was working as a Junior Assistant in the petitioner School had submitted his request for voluntary retirement on 26.04.2021 and it was accepted by the management on 27.07.2021. Two months thereafter, the said Nagasamy had addressed a communication to the School management to recall his offer of VRS and since the same was not considered, he had filed a writ petition challenging the order of relieving him



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in WP(MD).No.352 of 2022. This Court by an order dated 17.10.2023 had dismissed the writ petition. Challenging the same, the said Nagasamy had filed W.A(MD).No.762 of 2024 and the same is still pending. In the meantime, the petitioner management has appointed one S.Arunkumar as Junior Assistant for the said post on 07.09.2021. When the proposal was forwarded to the authorities for approval, citing pendency of WP(MD).No. 352 of 2022, it was returned by the authorities. This return order is under challenge in the present writ petition.

3.According to the writ petitioner, the writ petition filed by the said Nagasamy has been dismissed and the writ appeal is pending without any interim order. The management has undertaken to reimburse the entire salary paid to the said Arunkumar, in case if the writ appeal filed by Nagasamy is allowed. An undertaking affidavit has also been filed to the said effect. The appointee, namely S.Arunkumar has also filed an undertaking affidavit that he would repay the entire salary, paid to the management, in case if N.Nagasamy succeeds before the Hon'ble Division Bench.

4.Considering the fact that the writ petition filed by Mr.M.A.Nagasamy has been dismissed and the writ appeal is pending before the Hon'ble Division Bench without any interim orders, the return order impugned in the writ petition is set aside and the respondent authorities are directed to approve the appointment of the petitioner Mr.S.Arunkumar as Junior



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Assistant from the date of his appointment after getting a fresh undertaking affidavit from Management with regard to reimbursement of the said salary.

The respondents 3 and 4 are directed to grant approval to the appointment of Mr.S.Arunkumar within a period of 12 weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2024

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa



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WEB COPY

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R.VIJAYAKUMAR, J.

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