



W.P.(MD)No.23563 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.23563 of 2024
and WMP(MD).Nos.19949 & 19950 of 2024**

Miss.A.Ponnin Selvi
St.Gabriel's Girls Higher Secondary School
Pasupathikoil, Thanjavur 614 206.

.... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Additional Secretary
Department of School Education
Fort.St.George, Chennai 600 009

2.The Director of School Education
DPI Campus, College Road
Chennai 600 006

3.The Chief Educational Officer
The Office of the CEO, Thanjavur 613 001

4.The District Educational Officer
The office of the DEO
Kumbakonam, Thanjavur District



W.P.(MD)No.23563 of 2024

5.The Correspondent
St.Gabriel's Girls Higher Secondary School
Pasupathikoil, Thanjavur 614 206

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 05.07.2024 in Na.Ka.No.1078/AA1/2023 on the file of the third respondent and quash the same directing the respondents to accord approval to the appointment of the petitioner Miss.Ponnin Selvi, working as Record Clerk in St.Gabriel's Girls Higher Secondary School, Pasupathikoil, Thanjavur District 614 206 w.e.f 03.06.2019 with all monetary and other service benefits.

For Petitioner : Mr.S.Savarimuthu
For M/s.Father Xavier Associates

For Respondents :Mr.N.Satheesh Kumar
Additional Government Pleader
For R1 to R4

: No appearance for R5

ORDER

The instant writ petition has been filed by a Record Clerk appointed to the fifth respondent School challenging the order passed by the third respondent wherein her appointment has not been approved.



W.P.(MD)No.23563 of 2024

WEB COPY

2.A perusal of the impugned order of the third respondent dated 05.07.2024 reveals that the approval for appointment of the writ petitioner for the post of Record Clerk has been rejected primarily on the ground that there are surplus Record Clerks in the corporate management. It points out that in the academic year 2018-2019, there was surplus Record Clerk posts without employee in Thanjavur School. It further points out that there are surplus Record Clerk in the academic year 2023-2024 within the corporate management. This order is under challenge in the present writ petition.

3.According to the learned counsel for the writ petitioner, there are no surplus non-teaching staff in the cadre of Record Clerk either in the fifth respondent School or in the corporate management and therefore, he prayed for setting aside the order impugned in the writ petition.

4.Per contra, the learned Additional Government Pleader appearing for the respondents herein had contended that one of the Schools falling under the corporate management namely St.Thersa Girls Higher Secondary School at Tharangambadi, Nagapattinam District had an excess non-teaching staff as per staff fixation for the academic year 2018-2019 and therefore, the order impugned in the writ petition may be sustained.



W.P.(MD)No.23563 of 2024

WEB COPY

5.I have considered the submissions made on either side and perused the material records.

6.As far as the reason that there are surplus non-teaching staff at Tharangambadi School for the academic year 2018-2019 is concerned, verification of records reveals that there are no surplus Record Clerk in the said School for the concerned academic year. That apart, any surplus for the year 2023-2024 in the corporate management cannot be cited for appointment made in the academic year 2018-2019.

7.In view of the above said deliberations, the order impugned in the writ petition is set aside and the third respondent is directed to approve the appointment of the writ petitioner with effect from 03.06.2019 with all attendant benefits and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

8.In the result, this writ petition is allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petitions are closed.

22.11.2024

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

4/6



W.P.(MD)No.23563 of 2024

WEB COPY

To

1.The Additional Secretary
The Government of Tamil Nadu
Department of School Education
Fort.St.George, Chennai 600 009

2.The Director of School Education
DPI Campus, College Road
Chennai 600 006

3.The Chief Educational Officer
The Office of the CEO, Thanjavur 613 001

4.The District Educational Officer
The office of the DEO
Kumbakonam, Thanjavur District



WEB COPY



W.P.(MD)No.23563 of 2024

R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.23563 of 2024
and WMP(MD).Nos.19949 & 19950 of 2024

22.11.2024