



W.P.(MD).No.23237 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.23237 of 2023

Mangalarani

...Petitioner

Vs

1.The District Educational Officer,
Office of the District Educational Officer,
Tirunelveli.

2.The Block Educational Officer,
Manur Range,
Manur,
Tirunelveli.

3.T.D.T.A.Primary School,
Represented through Correspondent,
Alagiapadiyapuram,
Manur Taluk,
Tirunelveli District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of return passed by him issued in Oo.Mu.No. 405/A1/2020 dated 27.10.2020 and quash the same as illegal and arbitrary and consequently direct the respondents to approve her



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appointment as Secondary Grade Teacher in the third respondent School from the date of the petitioner's initial appointment and to provide all monetary and service benefits within the time that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For R-1 and R-2 : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 and 2.

2. This Writ Petition has been filed seeking to quash the order of the second respondent dated 27.10.2020 and direct the respondents to approve the petitioner's appointment as Secondary Grade Teacher in the third respondent School from the date of the petitioner's initial appointment and to provide all monetary and service benefits.



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3. The petitioner has been appointed as Secondary Grade Teacher in the third respondent School on 01.07.2019. The third respondent is the recognized minority institution. The third respondent School sent a proposal for approval of the petitioner's appointment to the first respondent and the same was returned stating that the petitioner has been appointed as against the sanctioned post.

4. On perusal of the impugned order dated 27.10.2020, it is seen that the petitioner's appointment has been made as against the non-sanctioned post and it is the reason for rejection. The post itself is a non-sanctioned one and it is very difficult to expect an approval from the Government as against the non-sanctioned post. The petitioner has attached the copy of the letter written by the third respondent to the first respondent stating that the students strength in the School has got increased and hence, the petitioner's appointment is essential and it is necessary to grant approval. But, it is for the School authorities to justify the reasons for the additional post to be sanctioned for the School and get any post sanctioned. Only thereafter, it would be appropriate for the



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third respondent to seek any approval for fresh appointments including the appointment of the petitioner.

5. Even in the appointment order itself, it has been stated that the petitioner's appointment is subjected to the approval of the first respondent and it is for the third respondent to take steps. The first respondent can only give a request to the third respondent for taking steps to retain additional post sanctioned and to get the approval atleast from the date during which any additional post is sanctioned. As the petitioner's appointment has been made against the non sanctioned post, the petitioner cannot seek any favourable orders from the first respondent that prevailing circumstances.

6. With the above observations, this Writ Petition stands **dismissed**. No costs.

19.06.2024

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

4/6



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To:
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R.N.MANJULA, J.

Nsr

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