



W.P.(MD).No.24115 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24115 of 2024

and

W.M.P(MD) No.20399 of 2024

Jabarani

Holy Cross Girls' Higher Secondary School,
Thoothukudi,
Thoothukudi District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai – 9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thoothukudi District.
4. The District Educational Officer,
(Secondary),
The Office of the District Educational Officer,
Thoothukudi District.



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5. The Correspondent,
Holy Cross Girls' Higher Secondary School,
Thoothukudi,
Thoothukudi 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 impugned proceedings, dated 13.08.2024, in O.Mu. No.2477/A1/2024, on the file of the fourth respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Mrs.A.Jabarani, working as Drawing Teacher, in Holy Cross Girls Higher Secondary School, Thoothukudi, Thoothukudi District, w.e.f. 02.07.2018, with all service benefits.

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

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

ORDER

The instant Writ Petition has been filed by a Drawing Teacher appointed in the fifth respondent School, challenging the order passed by the fourth respondent, wherein the request of the Management for approving the appointment of the writ petitioner has been returned.



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2. A perusal of the order impugned in the writ petition reveals that the proposal has been returned on the following grounds:

(1) G.O.(Ms) No.165, School Education and (EE2) Department, dated 17.09.2019 has not been complied with;

(2) So far, no guidelines have been issued by the Government for approving the appointment of Drawing Teachers; and

(3) No Certificate has been enclosed to the effect that no other qualified teacher is available for promotion to the post of Drawing Teacher.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4 submits that so far the guidelines have not been issued by the Government and hence the concerned authorities are not in a position to consider the proposal submitted by the Management. Hence, he prayed for dismissal of the writ petition.



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

5. This Court in W.A.No.81 of 2022, dated 02.03.2022 has held that Drawing Teacher post is a single post and therefore, it cannot be declared as surplus. That apart, when the appointment has been made within the sanctioned post, the question of awaiting for further guidelines to be issued by the Government for approving the appointment of a Drawing Teacher does not arise. This Court has already held that G.O.(Ms) No.165, School Education and (EE2) Department, dated 17.09.2019, is not in force.

6. In view of the above said facts, the order impugned in the writ petition is set aside and the fourth respondent herein is directed to forward the papers to the third respondent herein within a period of four weeks from the date of receipt of a copy of this order. The third respondent is directed to pass orders on the basis of the observations made by this Court within a period of eight weeks thereafter.



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7. 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.

21.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Additional Chief Secretary,
Department of School Education,
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2. The Director of School Education,
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3. The Chief Educational Officer,
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Holy Cross Girls' Higher Secondary School,
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R.VIJAYAKUMAR,J.

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