



W.P.(MD).No.24528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24528 of 2024

Hindu Middle School,
Represented by its Secretary,
Chettikulam & Post,
Radhapuram Taluk,
Tirunelveli District.

... Petitioner

Vs.

1. The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.

2. The Block Educational Officer,
Vallioor – 627 117,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to approve forthwith the appointment of P.Sylviya as Pre-Vocational Instructor (Sewing) from 03.01.2024 onwards with salary and other attendant benefits in the light of the order issued by this Court in Writ Petition in W.P(MD) No.4489 of 2018, dated 20.03.2018.



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For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by an Aided Non Minority Institution seeking a Mandamus as against the first respondent to approve the appointment of one P.Sylviya as Pre-Vocational Instructor (Sewing) with effect from 03.01.2024 onwards with all attendant benefits.

2. The petitioner Management has sought for prior permission to appoint a Pre-Vocational Instructor. The same was rejected by the authorities. The rejection order was challenged by the Management in W.P(MD) No.4489 of 2018. The Hon'ble Division Bench of this Court, by an order dated 20.03.2018 has allowed the writ petition and directed the authorities to grant permission. This order was challenged by the State before the Hon'ble Supreme Court in SLP Diary No.27956 of 2022 and the same was dismissed on 31.10.2022. However, so far, the authorities have not complied with the order.



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3. In such circumstances, the Management has proceeded to appoint one P.Sylviya as Pre-Vocational Instructor (Sewing) from 03.01.2024 onwards.

4. In view of the above said facts, it is clear that despite the directions issued by the Hon'ble Division Bench of this Court and confirmed by Supreme Court, the authorities have not granted any prior permission to the appointment of Pre-Vocational Instructor (Sewing). Therefore, it should be construed that the appointment has been made only after getting prior permission from the authorities. The authorities are directed to consider the proposal submitted by the Management for approving the appointment of P.Sylviya as Pre-Vocational Instructor (Sewing) from 03.01.2024 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

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

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R.VIJAYAKUMAR,J.

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