



W.P.(MD)No.14213 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.14213 of 2017

and

W.M.P.(MD)Nos.11116 & 11117 of 2017

T.Mary Helen Selvi

... Petitioner

/Vs./

1.The Director of School Education,
Dpi Campus, College Road,
Chennai-06

2.The Chief Educational Officer,
Kanyakumari District,
At Nagercoil.

3.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District- 629175.

4.The Correspondent,
St. Xaviers High School,
Alanchi,
Kanyakumari District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 4th respondent pertaining to its order bearing Aa.Thi.Mu.No. 2209/A3/2017 dated 29.04.2017 and quash the same and consequently directing the respondents to approve the appointment of the petitioner in the post of Craft Teacher from the date of appointment that is on 12-04-2017 and consequently direct the respondents to disburse monetary and other attendant service benefits, including payment of arrears of salary with interest within a time frame that may be fixed by this Court, by considering the proposal resubmitted by the school dated 22.05.2017.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.T.Amjad Khan (R1 to R3)

Government Advocate

No appearance (R4)



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ORDER

This writ petition has been filed challenging the order dated 29.04.2017 passed by the third respondent returning the proposal submitted by the fourth respondent school seeking for approval of the appointment of the petitioner in the post of Craft Teacher from the date of her appointment ie., on 12.04.2017, on the ground that the petitioner has not produced no objection certificate from the second respondent.

2. The petitioner claims that the fourth respondent school being a minority institution, there is no necessity for production of the no objection certificate from the second respondent.

3. In the counter affidavit filed by the respondents, they have stated that the fourth respondent school is having surplus teachers and that is also one of the reasons for returning the approval of appointment of the petitioner. However, the said reason is not reflected in the impugned order dated 29.04.2017 passed by the third respondent, wherein the only reason given for return of the fourth respondent's



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proposal is that the petitioner had not produced the no objection certificate from the second respondent.

4. Since the contentions found in the counter affidavit filed before this Court by the respondents do not find place in the impugned order and the petitioner's contention that the fourth respondent school being a minority institution, is not required to produce no objection certificate as required by the third respondent under the impugned order, necessarily the impugned order has to be quashed and the matter has to be remanded back to the third respondent for fresh consideration, on merits and in accordance with law, within a time frame to be fixed by this Court.

5. Accordingly, the impugned order dated 29.04.2017 passed by the third respondent returning the fourth respondent school's proposal seeking for approval for the appointment of the petitioner to the post of Craft Teacher is quashed and the matter is remanded back to the third respondent for fresh consideration, on merits and in accordance with law. The third respondent is directed to pass final orders, after giving due consideration to the contentions raised by the petitioner in this writ



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petition as well as the contentions raised in the counter affidavit filed in this writ petition, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is also permitted to file written submissions to the third respondent and the third respondent shall also consider the same and thereafter, pass final orders. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2024

Index : Yes / No
NCC : Yes / No
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TO:-

- 1.The Director of School Education,
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ABDUL QUDDHOSE, J.

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Order made in
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Dated:
02.09.2024