



W.P.(MD)No.14265 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.14265 of 2017

and

W.M.P.(MD).Nos.11178 & 11179 of 2017

M.Joyce Jemima,
B.T. Assistant,
C.M.M.L High School,
Vadamalapuram Post-627 755,
Mullikulam via,
Kadayanallur Taluk,
Tirunelveli District.

... Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai.
- 2.The Director of School Education,
College Road,
DPI Campus,
Chennai.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Tenkasi,
Tirunelveli District.



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5. The Manager,
C.M.M.L High School,
Vadamalapuram Post- 627755,
Mullikulam Via, Kadayanallur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 28.06.2017 in Mu.Mu.No.1509/A1/2017 of the 4th respondent and quash the same and consequently direct the respondents 3 and 4 herein to approve the petitioner's appointment as BT Assistant (Science) in the 5th respondent / school w.e.f. 11.09.2013 with all attendant Benefits including the arrears of salary and allowance.

For Petitioner : Mr.T.Pon Ramkumar

For R-1 to R-4 : Mr.T.Amjad Khan,
Government Advocate

For R-5 : No Appearance

ORDER

This Writ Petition has been filed challenging the order dated 28.06.2017, passed by the fourth respondent, rejecting the proposal submitted by the fifth respondent School seeking approval for appointment of the petitioner as B.T. Assistant (Science) in the fifth respondent School with effect from 11.09.2013.

2. It is now brought to the notice of this Court by learned counsel appearing for the petitioner as well as learned Government Advocate appearing



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for the official respondents that subsequent to the filing of this Writ Petition, the approval sought for by the fifth respondent School in respect of the petitioner's appointment has been granted by the proceedings of the fourth respondent, dated 01.11.2017.

3. However, learned counsel appearing for the petitioner would submit that the approval of the petitioner's appointment has been granted only with effect from 30.03.2017, whereas, the approval ought to have been granted with effect from 11.09.2013.

4. Under these circumstances, learned counsel appearing for the petitioner submits that this Writ Petition can be disposed of after recording the fact that the approval has been granted, but, giving liberty to the petitioner to agitate her rights in the manner known to her under law, if she so decides with regard to the date from which the approval has come into effect.

5. No prejudice will be caused to the respondents, if such a request is granted by this Court.



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6. Accordingly, after recording the aforesaid fact that the approval has been granted in favour of the petitioner with effect from 30.03.2017, this Writ Petition is disposed of by granting liberty to the petitioner, if she decides to agitate her rights, if aggrieved by the date of grant of approval to the petitioner in the manner known to her under law. No costs. Consequently, the connected miscellaneous petitions are closed.

27.09.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai.

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

3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

4.The District Educational Officer,
Tenkasi,
Tirunelveli District.



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ABDUL QUDDHOSE, J.

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