



W.P.(MD)No.15034 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.15034 of 2017

and

W.M.P.(MD)Nos.11872 & 11873 of 2017

P.Sasintharani

: Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai – 600 006.

2.The Chief Educational Offcier,
Madurai,
Madurai District.

3.The District Educational Officer,
Madurai,
Madurai District.

4.The Chairman,
The Tamil Evangelical Lutheran Church,
Education Board,
P.B.No.86, Tranquebar House,
Tiruchirappalli – 620 001.



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5.The Correspondent,

Union Christian Higher Secondary School (TELC),
Madurai,
Madurai District – 625 001.

6.The Headmaster,

Union Christian Higher Secondary School (TELC),
Madurai, Madurai District – 625 001.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent District Educational Officer in Mu.Mu.No.5495/Aa2/2016 dated 31.07.2017, quash the same and further direct the third respondent District Educational Officer to approve forthwith the appointment of the petitioner as B.T. Assistant (History) in the fifth respondent school namely Union Christian Higher Secondary School (TELC), Madurai w.e.f. the date of her appointment viz., 22.08.2013 and disburse the staff grant towards her salary from the said date with all attendant benefits.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents 1 to 3 : Mr.T.Amjad Khan

Government Advocate

For Respondents 4 to 6 : No appearance



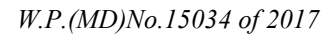
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ORDER

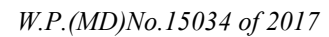
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This Writ Petition has been filed challenging the impugned proceedings of the third respondent dated 31.07.2017, rejecting the proposal submitted by the fifth respondent school seeking for approval for the appointment of the petitioner in the fifth respondent school as B.T. Assistant [History] with effect from the date of her appointment namely 22.08.2013, on the ground that there are surplus teachers in the fifth respondent school.

2.The petitioner has challenged the impugned order on the ground that the third respondent has not complied with the directions of the Division Bench of this Court dated 15.06.2017 passed in W.A.(MD)No.719 of 2017. In the aforesaid order passed by the Division Bench which has also been enclosed along with this writ petition, it has been made clear that the third respondent who has passed the impugned order will have to consider the staff fixation order placed by the Headmaster of the fifth respondent school and thereafter pass appropriate orders with regard to the request of the fifth respondent school seeking for approval of the appointment of the petitioner as B.T. Assistant [History] in the fifth respondent school within a period of four [4] weeks from the date of receipt of the staff fixation order pertaining to the fifth respondent school from the Headmaster.



5. The contentions as raised in this Writ Petition having not been considered in the impugned order, only on the ground that the fifth respondent school is presently having surplus teachers, the proposal submitted by the fifth respondent school seeking for approving the appointment of the petitioner has been rejected. Since



6.In the result, the impugned order dated 31.07.2017 by the third respondent is hereby quashed and the matter is sent back to the third respondent for fresh consideration on and in accordance with law after giving due consideration to the contentions raised by the petitioner in this Writ Petition as stated supra. The third respondent is directed to pass final order after giving an opportunity of one personal hearing to the authorized representative of the fifth respondent school within a period of twelve [12] weeks from the date of receipt of a copy of the



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7. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE, J.

MR

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