



W.P.(MD).No.27282 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27282 of 2024

and

W.M.P.(MD).Nos.23107 & 23109 of 2024

The Correspondent
St. Francis Xavier Higher Secondary School,
Muthalagupati,
Dindigul District.

... Petitioner

-VS-

1. The State of TamilNadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2. The Director of School Education,
College Road, Chennai-600 006.

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

4. The District Educational Officer,
Dindigul, Dindigul District.

... Respondents



W.P.(MD).No.27282 of 2024

WEB COPY

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent DEO vide proceedings in Oo.Mu.No.4872/A5/2022 dated 08.09.2022 and quash the same and further direct the third and fourth respondents to approve forthwith the appointment of M.A. Flora packiaseeli as BT Assistant (History) in the petitioner school w.e.f. 01.06.2022 with all attendant benefits including arrears of salary.

For Petitioner	: M/s.M.F.Rooshi Maas for M/s.Isaac Chambers
For Respondents	: Mr.T.Amjadkhan Government Advocate

ORDER

The instant writ petition has been filed by the Management of an Aided Minority Institution, challenging the order passed by the fourth respondent herein, wherein, the request of the Management to approve the appointment of one Flora packiaseeli as BT Assistant (History) has been rejected.



W.P.(MD).No.27282 of 2024

WEB COPY

2. A perusal of the impugned order dated 08.09.2022 reveals that the rejection order has been passed relying upon the G.O.Ms.No.165, School Education Department dated 17.09.2019, and citing the order passed in W.A.(MD).No.76 of 2019 etc., batch.

3. As far as G.O.Ms.No.165, School Education Department is concerned, it has become inoperative and therefore such a reason cannot be assigned. Though, the order in W.A(MD).No.76 of 2019 has been mentioned as one of the reason for rejecting the request for approval, no specific reason has been pointed out for not approving the appointment of the concerned teacher.

4. In view of the above said facts, the order impugned in this writ petition is set aside, the matter is remitted back to the file of the third respondent herein. The third respondent is directed to pass order within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.(MD).No.27282 of 2024

WEB COPY

5. With the above said observations, this writ petition stands allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

15.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn



WEB COPY



W.P.(MD).No.27282 of 2024

To

- 1.The Secretary to Government,
Department of School Education,
Fort St. George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Dindigul, Dindigul District.
4. The District Educational Officer,
Dindigul, Dindigul District.



WEB COPY



W.P.(MD).No.27282 of 2024

R.VIJAYAKUMAR,J.
gvr

W.P(MD)No.27282 of 2024

15.11.2024