



W.P.(MD)No.27971 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.27971 of 2023

and

W.M.P.(MD).Nos.24079 & 24080 of 2023

Gnanaselvam

... Petitioner

Vs.

- 1.The Director,
School Education Department,
DPI Campus,
College Road,
Chennai.
- 2.The Joint Director (Secondary),
School Education Department,
DPI Campus,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Dindigul,
Dindigul District.
- 4.The District Educational Officer,
Dindigul,
Dindigul District.
- 5.The Superintendent of R.C. Schools,
R.C. Diocese of Dindigul,



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Punitha Thoma Pastoral Centre,
St. Josephs Cathedral Campus,
Dindigul,
Dindigul District.

6.The Correspondent,
St. James Higher Secondary School,
A. Vellodu,
Dindigul 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 of the impugned order passed by the fourth respondent herein in his proceedings in O.Mu. No.2186/A2/2022 dated 21.04.2022 and quash the same as illegal and further direct the fourth respondent herein to pass appropriate orders to accord approval for petitioner's appointment as B.T. Assistant (History) in the 6th respondent school from 20.09.2021 within the time stipulated by this Court.

For Petitioner : Mr.V.Meenakshi Sundaram

For R-1 to R-4 : Mr.M.Siddharthan,
Additional Government Pleader

For R-5 & R-6 : Mr.S.Savarimuthu
for M/s. Father Xavier Associates

ORDER

Heard Mr.V.Meenakshi Sundaram, learned counsel appearing for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader



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appearing for respondent Nos.1 to 4 and Mr.S.Savarimuthu, learned counsel for

respondent Nos.5 and 6.

2. This Writ Petition has been filed challenging the impugned order of the fourth respondent herein in his proceedings in O.Mu. No.2186/A2/2022 dated 21.04.2022 and consequently to direct the fourth respondent herein to pass appropriate orders to accord approval for petitioner's appointment as B.T. Assistant (History) in the sixth respondent school from 20.09.2021 within the time stipulated by this Court.

3. The petitioner has been appointed as 'B.T. Assistant (History)' on 20.09.2021 and the proposal for approving the appointment of the petitioner has been sent by the sixth respondent and the same was returned on 31.01.2022 and the reason for returning the proposal was that without deploying the surplus teachers, no fresh appointments can be made. The papers have been resubmitted on 04.04.2022 by stating that G.O.(Ms).No.165, School Education Department, dated 17.09.2019 is in operation. '

4. Mr.S.Savarimuthu, learned counsel appearing for respondent Nos.5 and 6 submitted that the School falls under the Corporate Management of the



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fifth respondent and since the Government Order in G.O.(Ms).No.165, School Education Department, dated 17.09.2019, is in operation in view of the judgment passed by this Court in W.A.(MD).No.76 of 2019, the sixth respondent is entitled to appoint the petitioner.

5. The issue involved in this matter is no more a *res-integra* in view of the judgment rendered in ***W.A.(MD).No.76 of 2019 batch dated 31.03.2021*** in the case of ***The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 V. Iruthaya Amali.*** Even though the sixth respondent is a School coming under the Corporate Management, the appointment of the petitioner was made on 20.09.2021, which is prior to the judgment rendered in the Iruthayamali's case and hence the official respondents have to positively consider the proposal sent by the sixth respondent with regard to the appointment of the petitioner and pass orders.

6. In the light of the decision cited supra, this Writ Petition is **allowed** and the impugned order passed by the fourth respondent herein in his proceedings in O.Mu. No.2186/A2/2022 dated 21.04.2022, is set aside. The fourth respondent is directed to consider the proposal sent by the sixth respondent dated 24.01.2022 and pass orders regarding approval of appointment



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of the petitioner as 'B.T. Assistant (History)' with effect from 20.09.2021. The

said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

25.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Director,
School Education Department,
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College Road,
Chennai.
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- 3.The Chief Educational Officer,
Dindigul,
Dindigul District.
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R.N.MANJULA, J.

TSG

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