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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 4194 of 2025

Oriental Arabic Higher Secondary School
Akkur, Tharangambadi Taluk,
Maiyladuthurai District
Rep. By its Secretary
A.Mohamed Shihabudeen
S/o. Ahmed Sha.

... Petitioner

..Vs..

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government
School Education Department,
Fort St. George, Secretariat
Chennai – 600 009.
2. The Director of School Education
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer
Maiyladuthurai District
Collectorate Office, 4th Floor,
Maiyladuthurai 609 001.
4. The District Educational Officer (Secondary)
Maiyladuthurai Education District,
Collectorate Office, 4th Floor,
Maiyladuthurai 609 001.



Maiyladuthurai District.

...Respondents

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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents 3 and 4 to pass orders for granting approval of appointment of Smt. M.Fathima Beevi, in the sanctioned post of B.T. Assistant (Social Science) in the petitioner school from the date of appointment with effect from 06.09.2017 with all consequential and other attendant benefits, including payment of arrears of salary from the date of appointment, based on the proposal resubmitted by the petitioner school dated 06.03.2023, within a time frame to be fixed by this Hon'ble Court.

For Petitioner :: Mr. S.Nedunchezhiyan

For Respondents :: Mr. S.Mythereye Chandru
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the third and fourth respondents, the Chief Educational Officer and the District Educational Officer, Maiyladuthurai, to grant approval of appointment to the BT Assistant (Social Science) Teacher M.Fathima Beevi in the petitioner school with effect from 06.09.2017 and also grant all attendant benefits



including payment of arrears of salary from the date of appointment, based on the proposal resubmitted by the petitioner school on 06.03.2023.

2. In the affidavit filed by the Secretary of the petitioner minority school, it had been contended that a vacancy had arisen in B.T.Assistant (Social Science) owing to the retirement of C.Shanmugam on 31.05.2015. The petitioner had thereafter appointed M.Fathima Beevi as B.T. Assistant (Social Science) in the sanctioned post and she joined the service on 06.09.2017. It had been stated that she is also qualified to hold the post. It had been stated that the proposal of appointment had been kept pending and had been reiterated by the petitioner on 06.03.2023.

3. A mandamus is issued to the respondents to consider whether there was a sanctioned vacancy which had arisen owing to the retirement of C.Shanmugam on 31.05.2015 and whether M.Fathima Beevi had been appointed in procedure recognised by law. If there was a vacancy and she had been properly appointed, then the respondents must grant approval of such appointment. A decision in this regard must be taken within a period of six weeks from the date of receipt of a copy of this order.



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C.V.KARTHIKEYAN, J.,

vsg

4. The Writ Petition stands disposed of. No order as to costs.

10.02.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. Principal Secretary to Government
The State of Tamil Nadu
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