

WP NO. 2795 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2025

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THE HONOURABLE MRS JUSTICE N. MALA

WP No. 2795 of 2022

Sri Krishna Middle school
Rep by its secretary,
Thaplampuliyur,
Thiruvvarur - 610 106

..Petitioner

Vs

1. The Director of School Education
College Road, Chennai -6.

2. The District Educational Officer,
Thiruvvarur.

3. The Block Educational Officer,
Thiruvvarur. ..Respondents

Prayer : Writ Petition is filed under Article 26 of Constitution of India praying for issuance of writ of certiorarified mandamus, calling for the entire records connected with the impugned order passed by the 2nd respondent, vide Na.Ka.No. 888/2021/Aa3 dated 19.02.2021 and quash the same and consequently direct the respondents to approve the appointment of Tmt R.Vadivazhagi as Secondary Grade Teacher in the petitioner school w.e.f. 27.03.2019 with consequential monetary benefits.

For Petitioner: Mr. S.N. Ravichandran

For Respondents: Mr.L.S.M.Hasan Fazil, AGP



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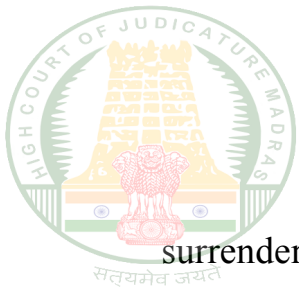
ORDER

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Aggrieved by the rejection order passed by the 2nd respondent dated 19.02.2021, and seeking directions to the respondents to approve the appointment of one Tmt. Vadivazhagi as Secondary Grade Teacher w.e.f 27.03.2019 in the petitioner school, the present writ petition is filed.

Brief facts that are necessary for disposal of the writ petition are as follows;

2. The petitioner school is an Aided Middle School and it appointed one Tmt. R. Vadivazhagi, as a Secondary Grade Teacher on 26.03.2019 pursuant to the voluntary retirement of the incumbent teacher, Tmt Y.Bhanumathi. The petitioner submitted a proposal to the 1st respondent for the approval of her appointment and since no reply was received, the proposal was resubmitted to the 1st respondent on, 04.10.2019 and 27.11.2019. Meanwhile, the 2nd respondent issued an order dated 06.03.2020, fixing the staff strength for the academic years 2017-2018 and 2018-2019, revising the earlier fixation order by showing one post of Secondary Grade Teacher as surplus. Subsequently, the 2nd respondent passed a rejection order dated 29.06.2020, rejecting the appointment of R. Vadivazhagi stating that at the time of appointment of the petitioner, the post of Secondary Grade Teacher was surplus and as such, it was



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surrendered to the 1st respondent. Challenging the same, the school earlier filed a writ petition in W.P. No. 2043 of 2021. The school also filed an appeal before the 2nd respondent, which was dismissed, and the said dismissal order is now impugned in the present writ petition.

3. The learned Additional Government Pleader produced a copy of the proceedings issued by the 1st respondent in Na.Ka.No.4849/A4/2023, dated 03.03.2025, passed in pursuance of the order dated 31.08.2013 in W.P.No. 2043 of 2021, where under the respondent was directed to reconsider the fixation of staff strength impugned therein and to approve the appointment made by the school, subject to the satisfaction of all norms. The relevant portion of the order is extracted hereunder;

“3. On the said, when the school Management proceeded to make an appointment, the post of Secondary Grade Teacher as sanctioned post. The second respondent, to deny the approval, has issued the impugned fixation of staff strength post facto. It is pertinent to note that on the same day, the second respondent also issued fixation of staff strength for the academic year 2018-19 and 2019- 2020 in which one post of Secondary Grade Teacher was not shown as surplus at all. This proves beyond pale that the impugned fixation of staff strength for the academic years 2017-18 and 2018-19 is erroneous.

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7. Therefore, the impugned order passed by the respondent department in the writ petition is quashed and the matter is



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remitted to the Chief Educational Officer/District Educational Officer concerned, to consider a fresh and pass an order of approval of the appointment made by the School Management, provided the said proposal satisfies all the norms prescribed for such appointment and as per the Rules, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order”

4. The learned Additional Government Pleader produced a copy of the order dated 03.03.2025 of the 2nd respondent. It is seen that in pursuance to the order of this Court dated 31.08.2023 in W.P.No. 2043 of 2021, the respondent has passed order on 03.03.2025, refixing the staff strength of secondary grade teachers for 2018-19, for the petitioner school at 5. However, the respondent has not passed order on the approval of the appointment of Secondary Grade teacher, Tmt R.Vadivazhagi, as directed by this Court, till date. Hence, the 2nd respondent is directed to pass orders approving the appointment of Tmt. R. Vadivazhagi as Secondary Grade Teacher, in the petitioner school, with effect from 27.03.2019, subject to satisfaction of norms, as directed by this Court in W.P.No. 2043 of 2021, dated 31.08.2023, within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above directions, the writ petition stands disposed of. No costs.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/ No

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To

1. The Director of School Education
College Road, Chennai 6

2. The District Educational officer
Thiruvarur

3. The Block Educational officer
Thiruvarur



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N. MALA, J.

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