



W.P.No.12428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.03.2025

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

**W.P.No.12428 of 2024 and
W.M.P.Nos.13563, 13564 & 13565 of 2024**

C.Radhika

.. Petitioner

Vs.

1.The Commissioner,
School Education Department,
College Road, Chennai – 6.

2.The Chief Educational Officer,
Erode District, Erode.

3.The District Educational Officer,
Erode District, Erode.

4.The Secretary,
Kalaimagal Kalvi Nilayam,
Girls Higher Secondary School,
Erode – 638 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in Na.Ka.No.1595/A3/2023, dated 12.04.2024 and to quash the same and consequently, direct the respondents 1 to 3 to approve the appointment of



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petitioner with effect from 03.06.2019 with all attendant benefits including the arrears of salary, allowance and other monetary benefits.

For Petitioner : Mr.K.Sathish Kumar
For R1 to R3 : Ms.S.Mythreye Chandru,
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the order passed by the second respondent/The Chief Educational Officer, Erode, in Na.Ka.No.1595/A3/2023, dated 12.04.2024 and to quash the same. The petitioner seeks approval of her appointment with effect from 03.06.2019 as B.T.Assistant in the fourth respondent school/Kalaimagal Kalvi Nilayam, Girls Higher Secondary School, Erode.

2.In the affidavit filed in support of the writ petition, it had been stated that the fourth respondent school is an Aided Non-minority Girls Higher Secondary School governed under the Tamil Nadu Recognized Private Schools Act, 1973. If there is a sanctioned post, after getting prior



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approval, a teacher can be appointed.

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3.It is contended by the learned counsel for the petitioner that prior permission was obtained on 09.07.2018 for the post of BT Assistant Tamil, which had fallen vacant in the year 2017. Thereafter, the petitioner had been appointed as B.T.Assistant Tamil on 03.06.2019. By the impugned order, the second respondent has stated that it has to be examined whether the same was within the rules and guidelines and thereafter, after getting necessary permission, the approval would be granted.

4.It is contended by the learned Special Government Pleader that the impugned communication had been issued at the time when the Special Leave Petition was pending before the Hon'ble Supreme Court and therefore, the second respondent had to necessarily abide by any directions if issued by the Supreme Court and consequentially by the Government.

5.But now, that there is no such impediment pending. The impugned order is therefore set aside and the matter is remitted back to the second respondent. The second respondent may examine the date when the post



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fell vacant, whether that particular post was a sanctioned post and further examine whether permission was granted to fill the said post and further examine whether after obtaining such permission, the petitioner had been appointed and whether the petitioner satisfies necessary requirements for appointment as BT Assistant Tamil. On coming to such satisfaction of all the issues, the second respondent may pass appropriate orders. If there is surplus, the second respondent may pass appropriate orders relating to the particular institution where the petitioner should serve. However, taking into consideration the fact the petitioner had been appointed and has been discharging duties on and from 03.06.2019, such orders have to be passed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

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To

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C.V.KARTHIKEYAN,J.

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