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IIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.31028 of 2024

and

W.M.P.No.33644 of 2024

G.Anusuya, W/o Ganapathy,
Vairavan Kadu Street,
Kameswaram (P.O.)
Kizhvelur Taluk,
Nagapattinam 611 110.

.. Petitioner

/versus/

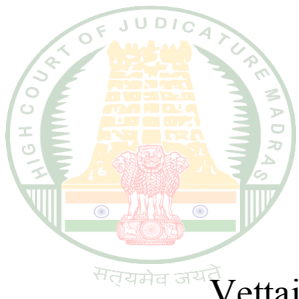
1.The District Elementary Educational Officer,
Office of the District Educational Officer,
Nagapattinam 611 003.

2.The Block Educational Officer,
Keelaiyur Block, Keelaiyur (P.O.)
Nagapattinam 611 103.

3.The Correspondent,
St.Sebastians Aided Primary School,
Kameswaram East,
Kilvelur Taluk, Nagapattinam 611 110.

4.Tmt.T.Vijila, Aided Primary School,

1/7



WEB COPY

Vettaikaraniruppu, Keelaiyur Block,
Nagapattinam (D.T).

.. Respondents

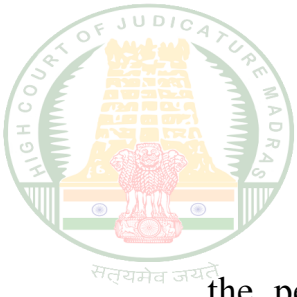
Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records pertaining to the proceedings O.Mu.No.1792/B3/2024 dated 06.09.2024 issued by the 1st respondent, quash the same and direct the 1st respondent to approve the petitioner's appointment as secondary grade teacher in the 3rd respondent school pursuant to the appointment order dated 24.06.2024 in proceedings Pa.Ka.No.93/2024 made by the 3rd respondent.

For Petitioner :Mr.B.Ravi
For R1 and R2 :Mr.Mythreye Chandru, Spl.G.A.

ORDER

The writ petition has been filed in the nature of issuance of a Writ of Certiorarified Mandamus calling for records pertaining to the proceedings in O.Mu.No.1792/B3/2024 dated 06.09.2024 issued by the 1st respondent, quash the same and direct the 1st respondent to approve the petitioner's appointment as Secondary Grade Teacher in the 3rd respondent/School pursuant to the appointment order dated 24.06.2024 in proceedings Pa.Ka.No.93/2024 made by the 3rd respondent.

2. In the affidavit filed in support of the Writ Petition, it is stated that



WEB COPY

the petitioner is employed as a Secondary Grade Teacher in the third respondent/Institution, which is a Minority Institution. A permanent vacancy arose due to the voluntary retirement of one Thenmozhi, Secondary Grade Teacher in the third respondent/School. The first respondent had originally appointed the fourth respondent to the post of Secondary Grade Teacher under Deployment Scheme, but she did not join duty. Thereafter, the petitioner was appointed as a Secondary Grade Teacher by the third respondent/School, vide an order dated 24.06.2024. Following this, the third respondent/School had sent a proposal seeking approval of such appointment. But, by the impugned order, the first respondent rejected the said proposal.

3. It is contended on behalf of the first respondent that the third respondent/School did not communicate to the first respondent that the fourth respondent had not joined their school. Had this been done, probably the first respondent would have taken a different view on the entire issue. Therefore, the impugned order also suffers from the fact that the third respondent did not properly communicate the same to the first respondent



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that the fourth respondent had not joined duty in the third respondent/School.

4. Be that as it may, a stand is taken on behalf of the petitioner and also by the third respondent, that since the third respondent/School being the minority institution, under Section 28(2)(a) of the Tamil Nadu Private Schools Regulations Act, 2018, there cannot be any stipulation that deployment must occur from one school to another, when a vacancy arises. The third respondent school being the minority institution, had appointed a teacher with the requisite educational qualifications when a vacancy had arisen which does not require prior approval.

5. A Division Bench of this Court in W.P.No.10711 of 2023, etc., dated 21.04.2023 had granted a status quo order, which meant that the appointment of a teacher in any minority institution should not be disturbed by an Executive Order of the first respondent/DEEO.

6. In view of the above-mentioned reasons, the impugned order is set



WEB COPY

aside and a direction is issued to the third respondent/School to communicate to the first respondent that the fourth respondent did not join duty in the School and on receipt of such communication, the first respondent may pass appropriate orders regarding the approval of the petitioner's appointment to the third respondent/School within a period of three months from the date of receipt of such communication. Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

03.03.2025

Index:yes/no
Speaking order/non speaking order
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To:

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5/7



WEB COPY

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C.V.KARTHIKEYAN, J.

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