



W.P.No.34152 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.04.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.34152 of 2023

and

W.M.P.No.34031 and 34032 of 2023

G. Viji Jasmine

.. Petitioner

Versus

1.The Director of School Education,  
DPI Campus, College road,  
Chennai – 600 006.

2. The Chief Educational Officer,  
Nagercoil,  
Kanyakumari District.

3. The District Educational Officer,  
Nagercoil, Kanyakumari District.

4. The Correspondent,  
Duthie Higher Secondary for Girls,  
Nagercoil – 629 001  
Kanyakumari District.

...Respondents

**Prayer:** This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the second respondent in



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Mu.Mu.No.673/A4/2023 dated 31.10.2023 and to quash the same, and consequently to direct the respondents 1 to 3 to approve the appointment of the petitioner to the post of B.T.Assistant ( English) in 4<sup>th</sup> Respondent school from the date of appointment i.e., 04.01.2022, including payment of arrears of salary, within a time frame to be fixed by this Hon'ble Court and pass orders.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents 1 -3 : Mr.S.Prabhakaran, GA

For Respondent-4 :Mr.K.Sathish Kumar

### **ORDER**

This petition is filed to issue Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the second respondent in Mu.Mu.No.673/A4/2023 dated 31.10.2023 and to quash the same, and consequently to direct the respondents 1 to 3 to approve the appointment of the petitioner to the post of B.T.Assistant ( English) in 4<sup>th</sup> Respondent school from the date of appointment i.e., 04.01.2022, including payment of arrears of salary, within a time frame to be fixed by this Court and pass orders.



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2.The facts of the case are that the petitioner was appointed as a B.T.Assistant ( English) in the 4<sup>th</sup> respondent school on 04.01.2022, though in the sanctioned vacancy caused on 31.05.2018. The sum and substance of the case is that the petitioner is fully qualified for the post of B.T.Assistant ( English), hence, the 4<sup>th</sup> Respondent School submitted a proposal to the department seeking approval of the petitioner's appointment vide letter dated 18.04.2022. However, the same was not considered, due to which the petitioner filed W.P.No.6686 of 2023, and the same was disposed of on 03.03.2023, with a direction to the respondents to consider the proposal of the petitioner, and pass orders within a period of four weeks from the date of receipt of a copy of that order. Thereafter, on 12.10.2023, the first respondent passed an order, wherein there was a direction to the second respondent to pass appropriate orders in accordance with the proposal submitted by the 4<sup>th</sup> respondent. Pursuant to this, the impugned order dated 31.10.2023 was passed by the 2<sup>nd</sup> respondent wherein, the claim for approval of petitioner's appointment was rejected, which has given rise to this petition.

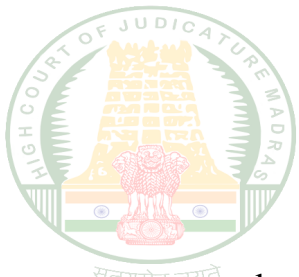


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3. The learned counsel for the petitioner submitted that the impugned proceedings issued by the second respondent on 31.10.2023 are ex-facie illegal, arbitrary and against the law, and the same is liable to be quashed, as it has been passed without appreciating the fact that the appointment of the petitioner was made in the sanctioned post of B.T.Assistant(English) in C.S.I. Management Schools, and hence, the appointment of petitioner ought to be approved by the Department. Hence, prays to allow this petition.

4. The learned Government Advocate has filed a counter affidavit wherein, it has been stated that there are surplus teachers in the cadre of B.T.Assistant in the petitioner's School. Some of them are qualified to be appointed as PG Assistants. In case any of them have given relinquishing letter, the same should be recorded in the Service book. Unless such relinquishment is recorded in the Service Book, their names have to be considered for being promoted to P.G.Assistant. Without promoting qualified B.T.Assistant, candidates in the said school, the petitioner's Management cannot go for a direct recruitment of PG Assistants. Therefore, he prayed for sustaining the orders passed by the



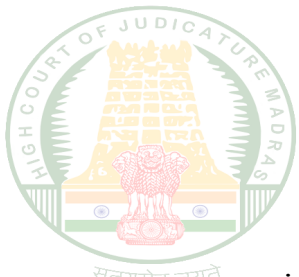
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authorities.  
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5. Heard both sides and perused the materials available on record.

6. On a perusal of records, it is seen that pursuant to the orders passed by this Court in W.P.No.6686 of 2023 on 03.03.2023, the Joint Director of School Education(Secondary) issued proceedings dated 12.10.2023, wherein, there was a direction to the second respondent to pass appropriate orders in accordance with the proposal submitted by the 4<sup>th</sup> respondent school. Hence, the second respondent ought to have considered the plea of the petitioner and accepted the same, instead of rejecting the same.

7. The core contention of the respondents is that there are surplus B.T.Assistants, due to which they are unable to accept the prayer sought for by the petitioner. This Court is of the view that even assuming that there are qualified B.T.Assistants who are surplus in the respondent Management, it is for the Educational Authorities to pass appropriate orders. Such a ground cannot be a legal impediment to approve the



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appointment of the petitioner.  
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8. In view of the above, it is made clear that the order passed by the second respondent in Mu.Mu.No.673/A4/2023 dated 31.10.2023, wherein they have rejected the proposal of the petitioner, is liable to be quashed and accordingly the same is quashed. The second respondent is directed to pass orders based on the proceedings issued by the first respondent in Na.Ka.No.005644/D1/E1/2023, dated 12.10.2023, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

**09.04.2025**

Speaking order : Yes/No  
Neutral citation : Yes/No  
Index : Yes/No  
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To

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DPI Campus, College road,  
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**V.BHAVANI SUBBAROYAN, J.**

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