



W.P.(MD)No.3765 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD) No.3765 of 2025

and

W.M.P.(MD) No.2709 of 2025

The Correspondent,
St.Joseph's Higher Secondary School,
Vizhunthayambalam 629 173,
Kanyakumari District.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai 600 006.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent CEO and the 3rd respondent DEO to approve forthwith the appointment of B.Sunitha Kumari as PG Assistant (Physics) in the petitioner school and disburse the grant-in-aid



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towards her salary and allowances with effect from the date of appointment i.e.,
01.08.2023.

For Petitioner : Mr.K.Ragatheesh Kumar

For Respondents : Mr.M.Siddarthan
Additional Government Pleader

ORDER

Heard Mr.K.Ragatheesh Kumar, learned counsel for the petitioner and Mr.M.Siddarthan, learned Additional Government Pleader for the respondents and carefully examined the materials available on record.

2. This writ petition is filed seeking a Writ of Mandamus directing the respondents 2 and 3 to approve the appointment of B.Sunitha Kumari as PG Assistant (Physics) in the petitioner school and disburse the grant-in-aid towards her salary and allowances with effect from the date of her appointment ie., on 01.08.2023.

3. The petitioner school is a registered Society bearing Registration No.6 of 1956 under the Tamil Nadu Societies Registration Act XXI of 1860. One post of PG Assistant (Physics) in the petitioner school fell vacant on 01.08.2023



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due to the retirement of the then incumbent, P.Michael Dominic Brittoon on 31.07.2023. In the said vacancy, the petitioner school appointed one B.Sunitha Kumari as PG Assistant (Physics) on 01.08.2023 and she joined duty on the same day and continuously working in the said post. Seeking her appointment, the petitioner school sent a proposal to the third respondent on 26.02.2024. The third respondent, vide proceedings dated 09.05.2024, returned the proposal seeking approval to the appointment of the incumbent as PG Assistant (Physics) by requiring certain additional particulars. The petitioner school re-submitted the proposal on 24.06.2024. However, there is no response. Till then, the said proposal is pending with the respondents. Against the inaction of the respondents in granting approval considering the proposal sent by the petitioner school, the present writ petition is filed.

4. No counter affidavit is filed on behalf of the respondents.

5. Considering the facts and circumstances of the case and in view of the fact that the proposal re-submitted by the petitioner school to the respondents 2 and 3 on 24.06.2024 is pending as on date, in our considered view, it is appropriate and reasonable to dispose of this writ petition at the stage of



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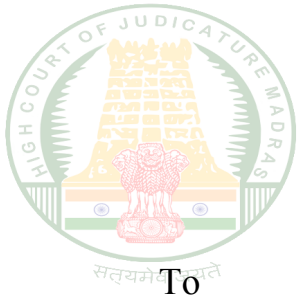
admission without going into the merits of the case with a direction to the respondents 2 and 3 to approve the proposal re-submitted by the petitioner school on 24.06.2024 by following due process of law within the time to be stipulated.

6. Accordingly, this Writ Petition stands disposed of with a direction to the respondents 2 and 3 to grant approval to the proposal re-submitted by the petitioner school on 24.06.2024 for the appointment of B.Sunitha Kumari as PG Assistant (Physics) in the petitioner school within a period of four weeks from the date of receipt of a copy of this order and to disburse the grant-in-aid including all benefits and allowances for the said teacher if she is legally entitled. No costs. Consequently, connected Miscellaneous Petition is closed.

05.03.2025

NCC :yes/no
Index :yes/no
Internet :yes/no

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BATTU DEVANAND, J.

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