

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.8426 of 2025

Hidhayathul Islam Higher Secondary School,
Rep by its Manager,
Kadayanallur – 627 751,
Tenkasi District.

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Tenkasi, Tenkasi District.
- 2.The District Educational Officer (Secondary),
Tenkasi, Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to approve the appointment of Mr.K.A.Mohammed Yousuf as BT Assistant (Science) in the petitioner school with effect from 10.06.2024 with all other attendant benefits.

For Petitioner : Mr.T.Pon Ramkumar

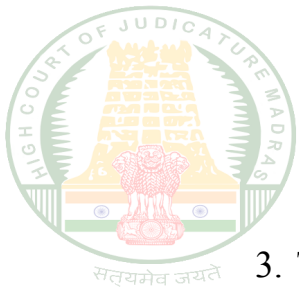
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

**ORDER**

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This writ petition has been filed seeking a writ of Mandamus, directing the respondents 1 and 2 herein to approve the appointment of Mr.K.A.Mohammed Yousuf as BT Assistant (Science) in the petitioner school with effect from 10.06.2024 with all other attendant benefits.

2. The case of the petitioner is that the petitioner school is a Aided Minority Educational Institution, governed under Article 30 (1) of the Constitution of India. The petitioner school is sanctioned with 10 B.T.Assistant and three Secondary Grade Teachers, one PET Teacher and one PVI Teacher. On 31.05.2024, one Mr.K.M.Akber Ali, who was working as B.T.Assistant (Science) and in charge Headmaster in the petitioner School retired from service on attaining the age of superannuation. By virtue of the same, the B.T.Assistant (Science) post was fell vacant. In the said vacancy, on 10.06.2024, one Mr.K.A.Mohammed Yousuf was appointed as B.T.Assistant (Science) by the school Management. The said post is a regular sanctioned post with grant in aid from the Government. He also joined in the School. The petitioner school submitted a proposal to the first respondent through the second respondent on 22.06.2024 for approval of appointment of Mr.K.A.Mohammed Yousuf. But there is no response from the respondents. Aggrieved by the same, the present writ petition is filed.



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3. The learned counsel for the petitioner would submit that keeping the proposal pending since 22.06.2024 without granting approval of appointment of the said teacher is illegal and unjustifiable and he sought to allow the writ petition with a direction to them to consider the proposal and pass orders.

4. On the other hand, the learned Additional Government Pleader for the respondents would submit that the proposal of the petitioner will be considered in accordance with law within a time to be stipulated by this Court.

5. Having considered the submissions made by the respective learned counsels and on perusal of the materials available on record, it appears that the proposal was sent by the petitioner on 22.06.2024, wherein, the petitioner sought approval of appointment of Mr.K.A.Mohammed Yousuf as B.T.Assistant (Science). Keeping the said proposal pending without granting approval is unreasonable and unjustifiable.

6. In view of the same, this Court intends to dispose of this writ petition at the stage of admission with the consent of both sides without going into the merits of the case with a direction to the first respondent to consider the proposal sent on 22.06.2024 and pass appropriate orders for granting approval



of appointment of Mr.K.A.Mohammed Yousuf within a time to be stipulated
herein to meet the ends of justice.

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7. Accordingly, this writ petition is disposed of with the following directions:

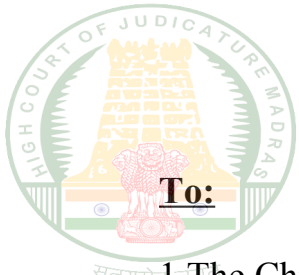
1.The first respondent is directed to consider the proposal, dated 22.06.2024 of the petitioner to grant approval of appointment of Mr.K.A.Mohammed Yousuf as B.T.Assistant (Science) in the petitioner school and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order.

2. After granting approval of the appointment of the said teacher, the respondents shall disburse all other attendant benefits for which the said teacher is entitled within a period of four weeks thereafter.

No costs.

26.03.2025

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



To:

1.The Chief Educational Officer,
Tenkasi, Tenkasi District.

2.The District Educational Officer (Secondary),
Tenkasi, Tenkasi District.

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BATTU DEVANAND, J.

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