



W.P.(MD)No.13648 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.13648 of 2019

and

W.M.P.(MD)No.10221 of 2019

Hairathul Jamalia Higher Secondary School,
Represented by its Correspondent Mr.Sathik Ali,
Paramakudi, Ramanathapuram District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Education Officer,
Chief Education Office,
Ramnad, Ramnad District.
- 3.The District Educational Officer,
District Education Office,
Paramakudi,
Ramnad District.
- 4.The District Educational Officer,
District Education Office, Paramakudi,
Ramnad District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the fourth respondent in Oo.Mu.No. 2414/A4/2019 dated 16.04.2019 and quash the same and to direct the respondents to approve the appointment of Tamil Pandit Mrs.P.Revathi with effect from 16.08.2018 and release the staff grant for making the payment of salary to the Tamil Pandit and continue to release the staff grant.

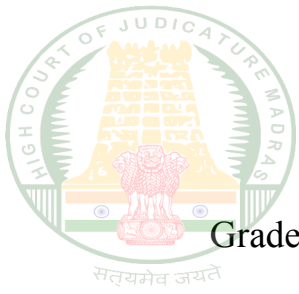
For Petitioner : Mr.K.Vadivel

For Respondents : Mr.K.R.Badurus Zaman,
Government Advocate.

ORDER

Under assail is the order passed by the fourth respondent returning the file relating to the approval of the appointment of Tamil Pandit Mrs.P.Revathi with effect from 16.08.2018.

2.The case of the petitioner is that the petitioner's school is a recognized and aided Minority Educational Institution. The School is now offering education from standards I to XII. The Government gives financial aid towards the staff salary. 30 BT Assistants and 4 Secondary



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Grade Teachers are working under the aid scheme. Three Physical Education Teachers and nine PG Assistants are also working. Against the Tamil Pandit Mr.N.Abdul Azeez has committed certain misconduct and therefore, disciplinary proceedings against him was initiated by the school management and punishment was imposed on him by duly informing the same to the Educational Authorities. It was ratified by the authorities. In the meantime the above said Tamil Pandit retired from service on 31.01.2018. Therefore, the petitioner / school Management has appointed Mrs.P.Revathi as Tamil Pandit with effect from 16.08.2018. The said Teacher has completed Teacher Eligibility Test which was conducted by TRB in the year 2013. The above said post has also a sanctioned post and the petitioner-Management is entitled to Staff Grant for the Teacher appointed in the above said post. Therefore, on 04.04.2019, the petitioner-Management has submitted an application for approval of the appointment of the Tamil Teacher Mrs.Revathi with effect from 16.08.2018 and to release the Staff Grant to the above said Teacher. But the fourth respondent has returned the application only on the ground that writ petition filed by the Tamil Pandit Mr.N.Abdul Azeez is pending before this Court. Hence, writ petition.



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3.The learned counsel appearing for the petitioner / school

Management would submit that the post of Tamil Pandit is a sanctioned post and the petitioner / school Management is entitled to get Staff Grant for making the payment to the salary to the Tamil Pandit appointed with effect from 16.08.2018. The order impugned came to be passed stating that the reason that the writ petition filed by Mr.N.Abdul Azeez is pending before this Court. The said writ petition came to be dismissed on 03.11.2020 against which, writ appeal also preferred by Mr.N.Abdul Azeez in W.A.(MD)Nos.29 & 30 of 2021 and the same was also dismissed by the Division Bench of this Court on 26.10.2021. Therefore, he prays to allow this writ petition.

4.The learned Government Advocate appearing for the respondents would submit that the order impugned came to be passed only on the ground that the writ petition filed by the Tamil Pandit Mr.N.Abdul Azeez is pending before this Court and now the said writ petition was dismissed by this Court, against which, writ appeal filed and the same was also dismissed by the Division Bench of this Court. He would submit that the authorities are ready to consider, if the petitioner / school Management submits fresh application for approval.



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5.This Court has considered the submissions made on either side and perused the materials on record.

6.It is seen from the records that the petitioner / school Management has submitted the application for approval of the appointment of the Tamil Teacher Mrs.Revathi with effect from 16.08.2018 and to release the Staff Grant to the above said Teacher. The said application came to be returned by stating that the writ petition filed by the Tamil Pandit Mr.N.Abdul Azeez is pending before this Court. The learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents would submit that the writ petition filed by the said Mr.N.Abdul Azeez in W.P.(MD)No. 3464 & 9199 of 2014 has been dismissed by this Court on 03.11.2020, against which, writ appeal has been preferred in W.A.(MD)No.29 & 30 of 2021 and the same was also dismissed by the Division Bench of this Court on 26.10.2021. This Court is of the view that the order impugned is only return of application for approval of appointment of the Tamil Pandit Mrs.P.Revathi.



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7. In view of the above circumstances, this Court is inclined to grant liberty to the petitioner / school management to resubmit a proposal for approval of the appointment of the Tamil Pandit Mrs.P.Revathi with effect from 16.08.2018 with necessary documents. On receipt of such application from the petitioner / school management, the fourth respondent is directed to consider and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. This Court makes it clear that above said direction has been issued without going into the merits of the case.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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