



W.P.(MD)No.15089 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15089 of 2025

and

W.M.P.(MD)No.11349 of 2025

The Correspondent,
R.C.Middle School,
Vellicode, Mulagumoodu Post,
Kanyakumari District - 629167.

... Petitioner

-VS-

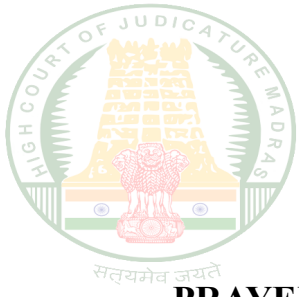
1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 009.

3.The District Educational Officer (Elementary),
Nagercoil - 629 165,
Kanyakumari District.

4.The Block Educational Officer,
Thuckalay - 629 175.
Kanyakuamari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondents to approve forthwith the appointment of S.Mary Emerenshia Mabel as BT Assistant (Science) in the petitioner School w.e.f. 03.06.2019 with salary and all other attendant benefits by considering the petitioner's representation dated 30.05.2024.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 3 and 4 to approve forthwith the appointment of S.Mary Emerenshia Mabel as BT Assistant (Science) in the petitioner School w.e.f. 03.06.2019 with salary and all other attendant benefits, by considering the petitioner's representation dated 30.05.2024.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

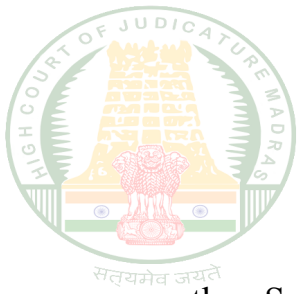


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3. The learned counsel for the petitioner submits that the petitioner's school namely, R.C. Middle School, Vellicode, is a recognized and aided Minority Educational Institution administered by the Roman Catholic Diocese of Kuzhithurai. The institution has been functioning since its establishment as a Primary School in 1965 and its subsequent upgradation to a Middle School in 1977. Upon retirement of a regular Secondary Grade Teacher, C.Roselet, on 31.05.2019, a sanctioned vacancy arose. In the said vacancy, the school appointed a fully qualified candidate, S.Mary Emerenshia Mabel, as B.T. Assistant (Science) with effect from 03.06.2019, after following all due procedures.

4. The learned counsel further submits that a proposal for approval of the said appointment was duly submitted to the respondents 3 and 4 on 21.06.2019. The Corporate Manager, R.C. Schools, Diocese of Kuzhithurai, vide letter dated 27.07.2019 issued certificate of non-availability of surplus B.T. Assistant (Science) teachers in the Corporate Management in the academic year 2018-2019. Thereafter, the fourth respondent vide proceedings dated 21.08.2019, denied approval to the appointment of S.Mary Emerenshia Mabel as B.T. Assistant (Science) in the petitioner School stating that there are surplus teachers to the

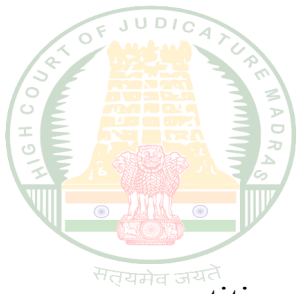


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other Schools under the Corporate Management and hence, the approval could not be granted. Thereafter, on 24.11.2020, the petitioner School submitted a detailed explanation to the third respondent explaining that there is no surplus in the Corporate Management. The same was returned by the fourth respondent, directing the petitioner School to resubmit the proposal by enclosing all the required documents and certificates. Thereafter, on 30.05.2024, the petitioner School resubmitted the proposal to the third respondent. However, no further action has been taken by the respondent authorities so far. Therefore, the petitioner is constrained to approach this Court, seeking appropriate direction to approve the appointment of S.Mary Emerenshia Mabel as B.T. Assistant (Science) in the petitioner School.

5. Heard both sides.

6. Considering the above said facts and circumstances of the case, there shall be a direction to the respondents 3 and 4 herein to consider the proposal submitted by the petitioner's School dated 30.05.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the



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petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 3 and 4 to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

04.06.2025

To:-

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 009.
- 3.The District Educational Officer (Elementary),
Nagercoil - 629 165,
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VIVEK KUMAR SINGH, J.

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