



W.P.(MD).No.27248 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27248 of 2024

and

W.M.P(MD) No.23061 of 2024

The Correspondent,
Hajee K.K.Ibrahim Ali
Higher Secondary School,
Pudur – 630 709,
Ilayangudi,
Sivagangai District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its
Secretary to the Government,
Education Department,
Secretariat, Fort St. George,
Chennai – 9.
2. The Director of School Education,
Chennai – 6.
3. The Chief Educational Officer,
Sivagangai, Sivagangai District.
4. The District Educational Officer,
(Secondary Grade)
Sivagangai, Sivagangai District.



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5. A.Shanmugakandavel

... Respondents

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(R5 is impleaded vide order of this Court dated 27.11.2024 in W.M.P(MD) No.24116 of 2024 in W.P(MD) No.27248 of 2024).

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the impugned proceedings of the fourth respondent in Na.Ka.No.6432/AA5/2024, dated 21.10.2024 and quash the same and consequently direct the third respondent to approve the appointment of Mrs.K.Vedhabodhaga Arasi as Graduate Teacher (Tamil) (BT Assistant) from the date of appointment i.e., 06.10.2023 with all consequential benefits by considering the proposal of the petitioner dated 10.09.2024.

For Petitioner : Mr.P.Rajagopalan

For R1 to R4 : Mr.T.Amjadkhan
Government Advocate

For R5 : Mr.G.Ramprakash

ORDER

The instant Writ Petition has been filed by the Management of an aided Minority Institution, seeking to quash the order passed by the fourth respondent dated 21.10.2024, wherein, the proposal forwarded by the



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Management to approve the appointment of one Mrs.K.Vedhabodhaga Arasi, has been rejected.

2. A perusal of the records reveal that one Mrs.K.Vedhabodhaga Arasi, was appointed as a Graduate Teacher (Tamil) by the petitioner's Management on 06.10.2023 in the vacancy created by the resignation of the fifth respondent on 05.10.2023. A perusal of the impugned order reveals that the appointment of the fifth respondent was not approved by the authorities. The fifth respondent has filed W.P(MD) No.8276 of 2020 and the same was allowed by this Court on 02.09.2022 directing the authorities to approve the appointment of the fifth respondent. However, the State has filed an appeal in W.A(MD)No.1224 of 2023 and interim stay was granted on 31.07.2023. In view of granting of interim orders, the fifth respondent has resigned from the said post on 05.10.2023. In the said vacancy, Mrs.K.Vedhabodhaga Arasi has been appointed on 06.10.2023.

3. When the Management has sent a proposal to the authorities for approval, the authorities have rejected the said proposal on the ground that, so far approval has not been granted to the appointment of the fifth respondent and W.P(MD) No.8276 of 2020 is pending before the Madurai Bench of this



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Court. Challenging the said order, the petitioner Management has filed the present writ petition.

4. Pending writ petition, the fifth respondent was impleaded. The fifth respondent has filed a counter affidavit on 04.12.2024. Paragraph No.5 of the counter is extracted as follows:

“5. It is submitted that this respondent, out of vexation that he being working as a graduate teacher (Tamil) (B.T.Assistant) for 5 years I.e. 03.10.2019 to 05.10.2023 without any salary and being left with any other way has given resignation on 05.10.2023, having resigned, this respondent has not objection to the appointment of any other person to the post of Graduate Teacher (Tamil) BT Assistant in the writ petitioner School. It is further submitted that this respondent was working without salary and he is entitled for the salary and other benefits from the date of appointment i.e., 03.09.2019 to the date of resignation i.e., 05.10.2023, which is subject to the outcome of the writ appeal filed by respondents 1 to 4 in W.A.(MD) No.1224 of 2023 and further this respondent submits that he undertakes that he is not claiming



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any salary or benefits from the date of resignation from the respondent 1 to 4 and writ petitioner and that this Hon'ble Court may be pleased to record the undertaking by this fifth respondent.”

5. In view of the counter affidavit filed by the fifth respondent it is clear that the resignation is voluntarily and he has no objection whatsoever for the petitioner Management to appoint any other candidate for the above said post. Therefore, the question of granting approval to the fifth respondent does not arise. That apart, W.P(MD) No.8276 of 2020 has already been allowed against which W.A.(MD)No.1224 of 2023 has been filed and an interim order has also been granted. In view of the counter affidavit filed by the fifth respondent, the dispute with regard to payment of salary to the fifth respondent for the period between 03.10.2019 and 05.10.2023 will depend upon the out come of the writ appeal. However, there is no legal impediment whatsoever to consider the proposal forwarded by the petitioner Management for approving the appointment of Mrs.K.Vedhabodhaga Arasi.

6. In view of the above said deliberations, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the



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fourth respondent for fresh consideration. Order in the proposal submitted by the petitioner Management for approving the appointment of Mrs.K.Vedhabodhaga Arasi as a Graduate Teacher B.T Assistant (Tamil) shall be passed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above said observations, this Writ Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

08.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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- To
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R.VIJAYAKUMAR,J.

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