



W.P.(MD)No.31275 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.31275 of 2024

and

W.M.P(MD)Nos.26201 and 26203 of 2024

Mrs.Vency Mary Sahila,
Bishop Roch Higher Secondary School,
Department of School Education,
Fort St.George,
Chennai – 9.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Department of School Education,
Fort St.George,
Chennai – 9.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai – 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tirunelveli District.
4. The District Educational Officer,
The Office of the District Educational Officer,
Tirunelveli District.



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5. The Correspondent,
Bishop Roch Higher Secondary School,
Idinthakurai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order, dated 26.06.2024, in O.Mu.No. 8938/AA3/2024, on the file of the 3rd respondent and quash the same, directing the respondents to accord approval to the appointment of the petitioner, Mrs.Vency Mary Sahila, working as Office Assistant in Bishop Roch Higher Secondary School, Idinthakurai, Tirunelveli District, w.e.f. 28.11.2018, with all monetary and other service benefits.

For Petitioner	: Mr.Savarimuthu for M/s.Father Xavier Associates
For R1 to R4	: Mr.N.Satheesh Kumar Additional Government Pleader

ORDER

The instant writ petition has been filed by an Office Assistant appointed to the 5th respondent school challenging the order passed by the 3rd respondent on 26.06.2024, wherein the proposal forwarded by the management for her approval has been rejected.



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2. A perusal of the impugned order reveals that without redeploying the surplus non-teaching staff, new appointments should not be made. That is the sole reason assigned in the impugned order for not approving the appointment of the writ petitioner.

3. The petitioner has been appointed as an Office Assistant on 28.11.2018. A perusal of the staff fixation order for the academic year 2018-2019 reveals that the students strength of the said school as on 01.08.2018 who are studying under the Tamil Medium is 589. It further reveals that one post of Office Assistant is sanctioned for the said academic year. According to the learned counsel appearing for the petitioner, the petitioner is appointed to the said sanctioned post and there are no surplus Office Assistants within schools coming under corporate management.

4. In view of the above, the order impugned in the writ petition is set aside and the matter is remitted back to the 3rd respondent to verify whether there are any surplus Office Assistants within the corporate



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management for the academic year 2018-2019. In case if there are no surplus Office Assistants, the 3rd respondent is directed to approve the appointment of the writ petitioner with effect from 28.11.2018 and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above observations and directions, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

23.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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To

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R.VIJAYAKUMAR, J.

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