



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.12.2013

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.(MD)No.20297 of 2013

P.Selvaraj

... Petitioner

- Vs -

1. The Chief Educational Officer,
Tirunelveli District.
2. The District Education Officer,
Cheranmahadevi, Tirunelveli District,
Office at Tirunelveli.
3. The Manager,
TDTA Higher Secondary Schools,
Diocesan Office,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking for an issuance of a Writ of Mandamus directing the first and second respondents to approve the appointment of the petitioner as Physical Educational Teacher in the third respondent's school namely, Walker Higher Secondary School, Dohnavur, Tirunelveli District from the date of the petitioner's appointment on 25.02.2013 based on the proposal given by the third respondent dated 13.08.2013.

For Petitioner : Mr.F.Deepak

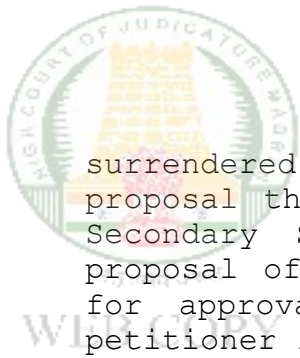
For Respondents : Mr.VR.Shanmuganathan

Special Government Pleader

ORDER

The petitioner was appointed in the post of Physical Education Teacher in the regular time scale of pay in the place of one Robinson Saminathan on 25.02.2013. The petitioner was appointed in Walker Higher Secondary School, Dohnavur. The petitioner's appointment approval with all the documents were sent to the second respondent, who returned the same stating that there are surplus teachers under the third respondent and only after regularising all those teachers, the proposal to regularise the petitioner's service would be considered.

2. Again the third respondent School sent a letter dated 13.08.2013 giving a detailed explanation and forwarded the approval papers to the first respondent stating that the post of Physical Education Teacher in Yacobpuram TATA High School cannot be taken into consideration, since there was no strength of students in the concerned School and the said post of Physical Education Teacher would be



surrendered on the retirement of the Teacher. It is also stated in the proposal that the post of Physical Education Teacher of Walker Higher Secondary School, Dohnavur is a regular sanctioned post and the proposal of the third respondent is pending with the first respondent for approval. Since the said proposal is not disposed of, the petitioner is before this Court.

3. Heard Mr.F.Deepak, learned Counsel for the petitioner and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

4. Though a positive direction is sought for to grant permission of the appointment of the petitioner as Physical Education Teacher in the third respondent School, such a positive direction cannot be granted. However, this Court directs the first respondent to pass orders on the third respondent's proposal dated 13.08.2013 on its merits and as per law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of, with the above directions. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub - Assistant Registrar

To

1. The Chief Educational Officer,
Tirunelveli District.
2. The District Education Officer,
Cheranmahadevi, Tirunelveli District,
Office at Tirunelveli.
3. The Manager,
TDTA Higher Secondary Schools,
Diocesan Office, Palayamkottai, Tirunelveli District.

+ 1 CC to the Spl. Government Pleader in SR.No.64243

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20.12.2013

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