

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25341 of 2015

Sr.Mary Hilda

.. Petitioner

Vs.

1. The Director of School Education,
Office of the Directorate of School Education,
College Road,
Chennai-600 006.
 2. The District Educational Officer,
Thuckalay,
Kanyakumari District.
 3. The Correspondent,
Amala Convent Higher Secondary School,
Thuckalay,
Kanyakumari District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to approve the appointment of the petitioner as Junior Assistant with effect from 01.06.2011 in the third respondent Amala Convent Higher Secondary School, in the sanctioned permanent vacancy of Sr. Arul Mary vacancy who has been transferred to St.Antony's Girls Hr. Sec. School on 01.06.2011 in the light of the approval given by the first respondent to similarly placed person one Ms.X.Joice Issabella vide the proceedings Na.Ka.No.8935/A2/2008 dated 29.10.2014 based on the orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dated 24.04.2009 and order in S.L.P. (Civil) No.27331 of 2013 order dated 04.10.2012 and consequently direct the first respondent to disburse the grant towards salary and other allowances with effect from 01.06.2011.

For Petitioner : Mrs.A.V.Bharathi

For Respondents : Mr.S.Gunasekaran,
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that the third respondent school is an aided minority institution and she was appointed as Junior Assistant in the said school on 01.06.2011 in the sanctioned permanent vacancy caused on the transfer of Sr.Arul Mary and the said post was accorded sanction in the year 1964. The petitioner would further stated that she possess the requisite qualification of +2, Typewriting and Technical Teachers certificate and fully qualified for the post of Junior Assistant and was appointed as Junior Assistant in the sanctioned permanent vacancy caused by transfer with effect from 01.06.2011. The petitioner would also state that the second respondent has issued proceedings dated 27.09.2011 fixing staff strength in respect of teaching and non-teaching staff and as per the said proceedings, one post of Junior Assistant was approved to the third respondent school and hence, according to the petitioner, there cannot be any impediment to regularize her in the sanctioned vacancy and since no response is forthcoming, the petitioner submitted a representation dated 11.02.2015 and since, no orders has been passed, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 26.09.2008 made in W.P.No.23712 of 2008 and would submit that in similar facts and circumstances, this Court has quashed the proceedings of the second respondent, namely the District Educational Officer, Coimbatore District and directed the respondents to approve the appointment of the petitioner therein as Junior Assistant and the said order was put to challenge by the official respondents, namely the Director of School Education and the District Educational Officer in W.A.No.99 of 2009 and it was dismissed on 24.04.2009 and thereafter, Special Leave Petition preferred against the same in S.L.P(Civil).No.27331/2008 was also ended in dismissal on 04.10.2013 and in the light of the above said orders, the claim of the petitioner may be sympathetically considered and appropriate orders may be passed.

4. Per contra, Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents, on instructions would submit that the institutions are entirely different and prays for dismissal of this writ petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioners' representation dated 11.02.2015 on merits and in accordance with law, after taking note of the above cited orders rendered by this Court and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the third respondent.

7. This Writ Petition is disposed of accordingly. No costs.

jvm

sd/-
Assistant Registrar (CS-III)

True copy

Sub Assistant Registrar.

To

1. The Director of School Education,
Office of the Directorate of School Education,
College Road,
Chennai-600 006.
 2. The District Educational Officer,
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Kanyakumari District.
 3. The Correspondent,
Amala Convent Higher Secondary School,
Thuckalay,
Kanyakumari District.
- + 1 cc to Mr.A.V.Bharathi, Advocate SR 42998
- + 1 cc to Govt.Pleader SR 43921

ggk(co)
prk27/8

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