

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.8.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27169 of 2015 and

M.P.No.1 of 2015

Mrs.D.Lybio Stella Mary

...Petitioner

-Vs-

- 1 The Union Territory of Puducherry by its Secretary, Department of Education Secretariate, Puducherry 605 001
- 2 The Director of School Education, Government of Puducherry Directorate of School Education, Puducherry 605 005
- 3 The Senior Accounts Officer Government of Puducherry, Directorate of School Education, Puducherry-605 005
- 4 The Joint - Director of School Education Government of Puducherry Directorate of School Education, Puducherry 605 005.
- 5 The Correspondent/Manager Immaculate Heart of Mary Higher Secondary School, 275, Mission Street Puducherry 605 001...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to accord approval to the appointment of the petitioner Mrs.D.Lybio Stella Mary working as Physical Educational Teacher working in a regular and sanctioned post in 5th respondent Immaculate Heart of Mary Hr. Sec. School 275 Mission Street Puducherry 605 001 w.e.f. 19.6.2009 with all service and monetary benefits.

For Petitioner : Mr.FR.A.Xavier Arulraj

For R1 to R4 : Mr.R.Sreedharan
Government Advocate (Pondy)

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that she is a qualified Physical Education Teacher with a qualification of B.A., B.P.Ed, Degree and working as Physical Education Teacher (P.E.T) in the sanctioned post in the services of 5th respondent school with effect from 19.06.2009.

3. It is the claim of the petitioner that she was appointed as Physical Educational Teacher in the said school in the regular and sanctioned vacancy arising out of transfer of G.Marceline Lumina on 31.05.2009 and a proposal was also forwarded on 06.07.2009 to approve her appointment. It was also re-submitted on 04.08.2010 and again on 14.04.2012. However, no orders have been passed. Petitioner also submitted a representation dated 03.07.2015 to respondents 2 and 4 praying for approval of her appointment. Since no orders have been passed, came forward to file this writ petition.

4. Mr.FR.A.Xavier Arulraj, the learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court vide order dated 29.04.2015 made in W.P.No.13040 of 2015 has passed a positive order directing the respondents to appoint the petitioner therein in the regular vacancy and also relied upon one more interim order dated 14.07.2015 made in M.P.No.1 of 2015 in W.P.Nos.21083 to 21085 of 2015 and prays for appropriate orders.

5. Heard the submissions of the Mr.R.Sreedharan, learned Government Advocate (Pondy) who accepts notice on behalf of R1 to R4.

6. This Court, in the light of the facts and circumstances, directs second respondent to act on the proposal dated 06.07.2009 as well as re-submission of the proposals dated 04.08.2010 and 14.04.2012 submitted by the 5th respondent as well as dispose of the petitioner's representation dated 14.07.2015 on merits and in accordance with law after taking note of the above cited Orders and pass orders within a period of 6 weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent.

7. This Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Secretary
Union Territory of
Puducherry, Department of
Education Secretariate Puducherry 605 001
- 2 The Director of School
Education Government of Puducherry
Directorate of School Education Puducherry 605 005
- 3 The Senior Accounts Officer
Government of Puducherry Directorate of
School Education Puducherry 605 005
- 4 The Joint - Director of School
Education Government of Puducherry
Directorate of School Education Puducherry 605 005
- 5 The Correspondent/Manager
Immaculate Heart of Mary Higher Secondary
School 275 Mission Street Puducherry 605 001

+3 ccs to Dr.FR.A.Xavier Arulraj Advocate sr.46505
+1 cc to Senior Government Pleader cum Senior
Public Prosecutor for Puducherry sr.46518

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