

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.29431 of 2015

and

M.P.No.1 of 2015

S.Kannan

... Petitioner

-Vs-

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Joint Director of School Education (Secondary),
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Thiruvallur District, Thiruvallur.
4. The District Educational Officer,
Ponneri, Thiruvallur District.
5. The Correspondent,
ANM High School, Melur - 601 203,
Minjur Post, Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 4 to approve the appointment of the petitioner to the post of BT Assistant (History) in the 5th respondent school from the date of initial appointment on 17.10.2012 with all consequential and other attendant benefits including payment of arrears of salary from the date of appointment with interest within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.S.Gunasekaran,
Government Advocate (R1 to R4)

O R D E R

The petitioner was appointed on 17.10.2012 as B.T.Assistant (History) by the respondent no.5. The petitioner's appointment was not approved in view of the rival claim made by one R.Srinivasan for promotion, which was also rejected. Thereafter, the petitioner has come forward to file this Writ Petition seeking the above prayer.

2.A perusal of the available records would show that the respondent no.4 has already returned the proposal of the petitioner for want of Teacher Eligibility Test. Though the petitioner made a representation relying upon the Government Order passed in Letter No.42680/TRE/2014-2, dated 21.04.2015 and the proceedings of the District Educational Officer, Thanjavur in Na.Ka.No.4890/A4/2015 dated 11.09.2015, in the absence of the proposal being sanctioned, the same cannot be considered. Thus, this Court is inclined to direct the respondent no.5 to send the proposal pertaining to the petitioner's appointment to the respondent no.4 within a period of four weeks from the date of receipt of a copy of this order since the said respondent may not have any objection for doing so. After receipt of the said proposal, the respondent no.4 shall pass appropriate orders by taking into consideration the letter dated 21.04.2015 and the proceedings of the District Educational Officer dated 11.09.2015 within a further period of eight weeks.

3.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

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सत्यमेव जयते
Sub Assistant Registrar

va

To

1. The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.
2. The Joint Director of School Education (Secondary),
Directorate of School Education,
DPI Campus, College Road, Chennai - 600 006.

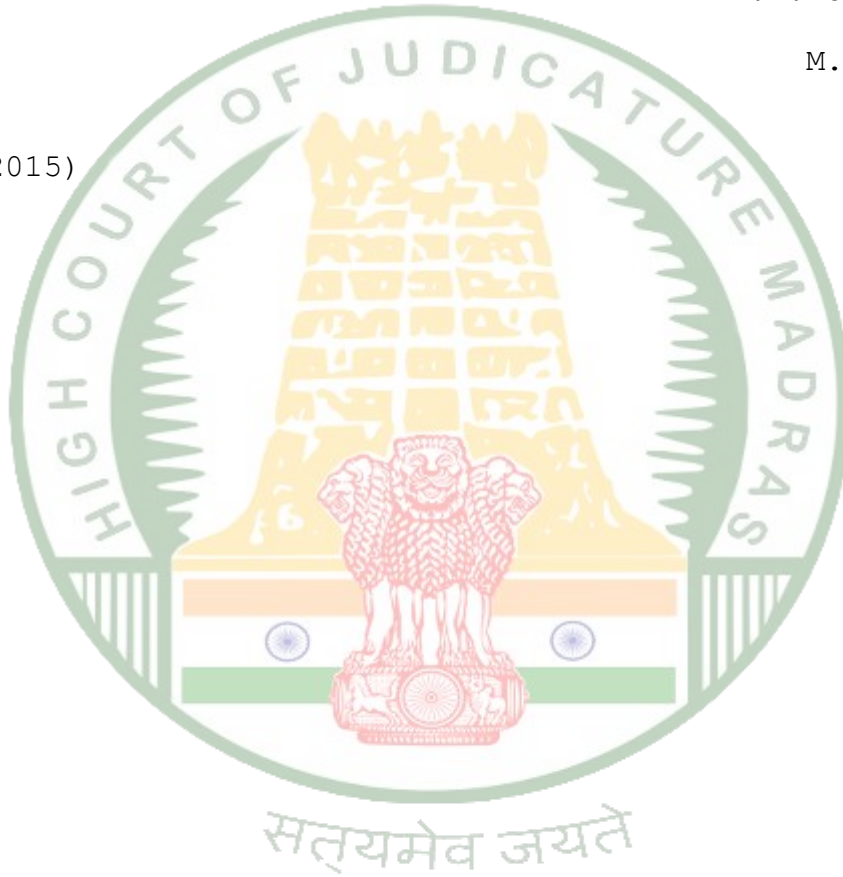
3. The Chief Educational Officer,
Thiruvallur District, Thiruvallur.

4. The District Educational Officer,
Ponneri, Thiruvallur District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.51229
+1cc to the Government Pleader, S.R.No.51405

W.P.No.29431 of 2015
and
M.P.No.1 of 2015

KU(CO)
CA(05/10/2015)



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