

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31857 of 2015

S.C.Elango

... Petitioner

Vs.

- 1 The Secretary to Government
School Education Department Fort St. George
Chennai-9.
- 2 The Director of School
Education DPI Complex College Road
Chennai-6.
- 3 The Chief Education Officer
Virudhunagar Virudhunagar District
- 4 The District Education
Officer Virudhunagar Education District
Virudhunagar
- 5 Kshatriya Vidhyasala Higher
Secondary School Rep. by its Secretary
B.Madanmohan Virudhunagar-626 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to approve the appointment of the petitioner in the Post of Gardener cum Scavenger with effect from the date of initial appointment i.e. from 9.6.2015 based on the proposal submitted by the 5th respondent on 9.6.2015 in the light of the orders passed in Writ Appeal No.258 of 2009 etc. batch dated 12.7.2010 and Writ Appeal Nos.727 to 729 of 2011 dated 11.11.2011 and pass such suitable orders.

For Petitioner : Mr.K.H.Ravikumar

For Respondents : Mr.V.Subbiah for R1 to R4
Special Government Pleader

O R D E R

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

2.The petitioner was appointed as Gardener cum Scavenger on 09.06.2015 in a retirement vacancy and that is a sanctioned post and would further state that the fifth respondent is also an aided institution. The petitioner would claim that he has studied upto S.S.L.C. and having the required qualification to hold the post of Gardener cum Scavenger as per the norms fixed under the Private School Regulation Act, 1973 and with regard to the appointment to the said post, paper advertisement was also issued as well as candidates were called for through Employment Exchange and after the selection process, the petitioner was selected as Gardener cum Scavenger in the services of the fifth respondent school on 09.06.2015 and necessary proposal for approval of his appointment was also forwarded to the fourth respondent along with the enclosures on 09.06.2015 by the fifth respondent and since no order have been passed, the petitioner also made a representation dated 22.08.2015 to the second respondent and since no orders have been passed, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by the order dated 12.07.2010 made in W.A.Nos.258, 271, 273, 683 and 1031 of 2009, wherein, the approval of appointment of non-teaching staff which was ordered in the writ petition has been confirmed. It is also the submission of the learned counsel appearing for the petitioner that since the petitioner is similarly placed, he is entitled to the said relief and prays for appropriate orders.

4.Heard the submissions of Mr.K.H.Ravikumar, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 4.

5.This Court in the light of the above facts and circumstances, directs the fourth respondent to take into consideration the proposal sent by the fifth respondent dated 09.06.2015 and pass orders on the representation submitted by the petitioner dated 22.08.2015 on merits and in accordance with law after taking note of the above cited judgment, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary to Government
School Education Department Fort St. George
Chennai-9.
- 2 The Director of School
Education DPI Complex College Road
Chennai-6.
- 3 The Chief Education Officer
Virudhunagar Virudhunagar District
- 4 The District Education
Officer Virudhunagar Education District
Virudhunagar

- 1 cc to Mr. Ravikumar, Advocate, sr. 54970
1 cc to Government Pleader, Sr. 55105

W.P.No.31857 of 2015

MG (CO)
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