

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32599 of 2015

And

M.P.No.1 of 2015

Mrs.M.Premavathy

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Secretary, Department of School
Education, Fort St. George, Chennai-9.
 - 2 The Joint Director of School
Education (Secondary Education), DPI Campus,
College Road, Chennai-6.
 - 3 The Chief Educational Officer,
Thiruvallur-602 001.
 - 4 The District Educational
Officer, Ponneri-601 204.
 - 5 The Correspondent
St. Pauls Mahajana Higher Secondary School,
Kaladipet, Thiruvottriyur,
Chennai - 600 019.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to grant approval for the appointment of the petitioner as Junior Assistant from 1.6.2010 the date of petitioner appointment with all monetary benefits which the petitioner is entitled.

For Petitioner	: Mr.R.Govindaraj
For Respondents	: Mr.N.Srinivasan Additional Government Pleader

O R D E R

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

2.The petitioner was appointed as Junior Assistant in the services of the fifth respondent school and on 01.06.2010 and he has been accommodated in the said post on account of the promotion given to Ms.jane Francis who was appointed as B.T.Assistant. The fifth respondent has also forwarded the proposal to the fourth respondent for approval and it was returned on 12.01.2011 by the fourth respondent stating that necessary permission from the second respondent is to be obtained. The fifth respondent after complying with the same, has once again sent proposal dated 05.10.2012 to the second respondent. The petitioner has also submitted a representation dated 10.08.2015 through proper channel 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 fifth respondent is an aided minority Institution and it seeks approval of the appointment of the petitioner to a sanctioned post which has fallen vacant on account of the promotion given to the incumbent as B.T.Assistant and would further submit that this Court has passed very many orders stating that once it is a sanctioned post, the Official respondents are bound to approve and however, in this case, no orders have been passed and hence, the petitioner is constrained to approach this Court by filing this writ petition.

4.This Court also heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances, directs the second respondent to consider the proposal sent by the fifth respondent for approval of appointment of the petitioner on merits and in accordance with law 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 fifth respondent. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

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ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

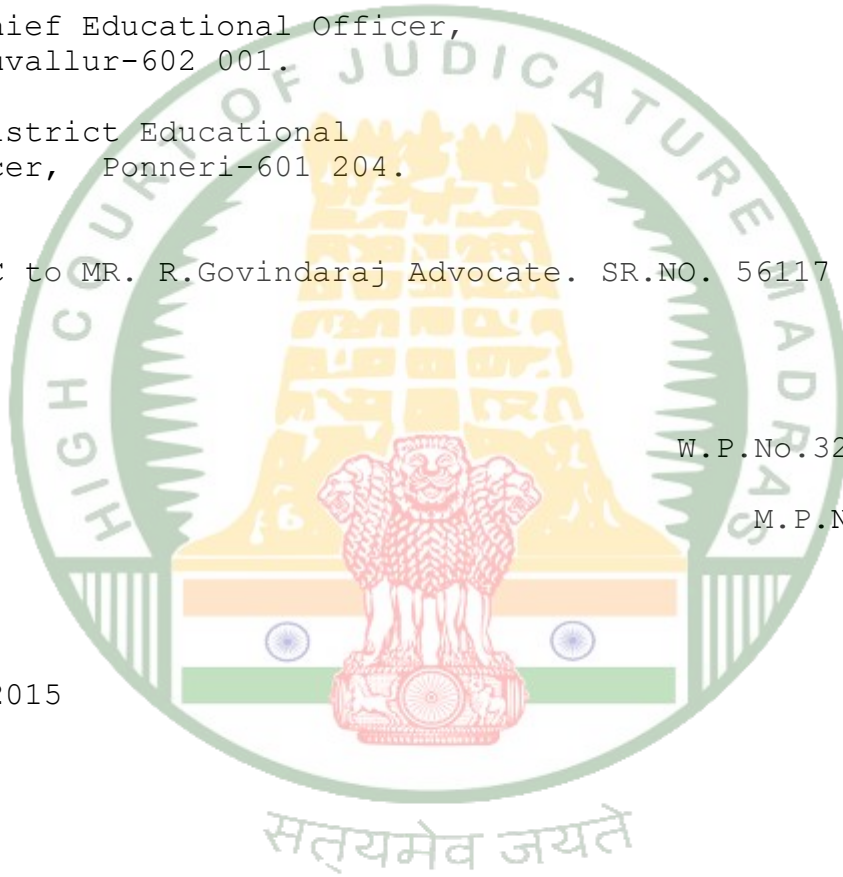
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To

- 1 The Secretary, Government of Tamil Nadu
Department of School Education,
Fort St. George, Chennai-9.
 - 2 The Joint Director of School
Education (Secondary Education), DPI Campus,
College Road, Chennai-6.
 - 3 The Chief Educational Officer,
Thiruvallur-602 001.
 - 4 The District Educational
Officer, Ponneri-601 204.
- +1 CC to MR. R.Govindaraj Advocate. SR.NO. 56117

W.P.No.32599 of 2015
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CO-KY
JD 30/10/2015



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