

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12120 of 2016
AND W.M.P.No.10483 of 2016

T.Moses

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006,
 2. The District Elementary Educational Officer,
Kancheepuram District,
Kancheepuram,
 3. The Assistant Elementary Educational Officer,
Chitlapakkam,
Chennai,
 4. The Correspondent,
St.Joseph Primary School,
Tambaram East,
Chennai - 600 059.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of Writ of Mandamus directing the respondents 1 and 2 to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the 4th respondent School based on the proposal submitted by the 4th respondent School dated 8.2.2016 with all consequential and other attendant benefits including arrears of salary with interest.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.S.Gunasekaran,
Addl.Govt.Pleader
for RR.1 to 3

ORDER

Mr.T.Moses - the petitioner was appointed in the 4th respondent School in the post of Secondary Grade Teacher in a vacancy caused by the retirement of incumbent - Tmt.K.Chellathangam on 31.5.2009, as he was qualified with Diploma in Teacher Education (D.T.Ed.,). The appointment order dated 29.5.2009 issued to the petitioner also supports the claim

of the petitioner that he was appointed in a vacancy caused by the retirement of Tmt.Chellathangam. Thereafter, a proposal has been sent by the 4th respondent School on 16.8.2011 seeking approval of her appointment. The same has been returned by the 3rd respondent without forwarding the same to the 2nd respondent. The 2nd respondent also issued communication dated 9.1.2016 calling for further proposal from the 4th respondent for approval of her appointment. Pursuant thereto, the 4th respondent School has also sent a fresh proposal on 8.2.2016 containing all the particulars. However, no orders have been passed by the 1st and 2nd respondents granting of approval of the petitioner's appointment. The petitioner is working without salary from the year 2009. Therefore, the present writ petition is filed by the petitioner seeking a direction to the respondents 1 and 2 and to approve his appointment in the post of Secondary Grade Teacher in the 4th respondent School based on the proposal submitted by the 4th respondent School dated 8.2.2016 and for all consequential and other attendant benefits.

2. Mr.S.Gunasekaran, Additional Government Pleader takes notice for respondents No.1 to 3.

3. Considering the limited prayer, without going into the merits of the matter, finding that the petitioner was appointed by order dated 29.5.2009 as a Secondary Grade Teacher in the 4th respondent School in the vacancy created by the retirement of Tmt.Chellathangam on 31.5.2009 and pursuant thereto a proposal has also been sent by the 4th respondent on 8.2.2016, the respondents 1 and 2 are hereby directed to consider the said proposal on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

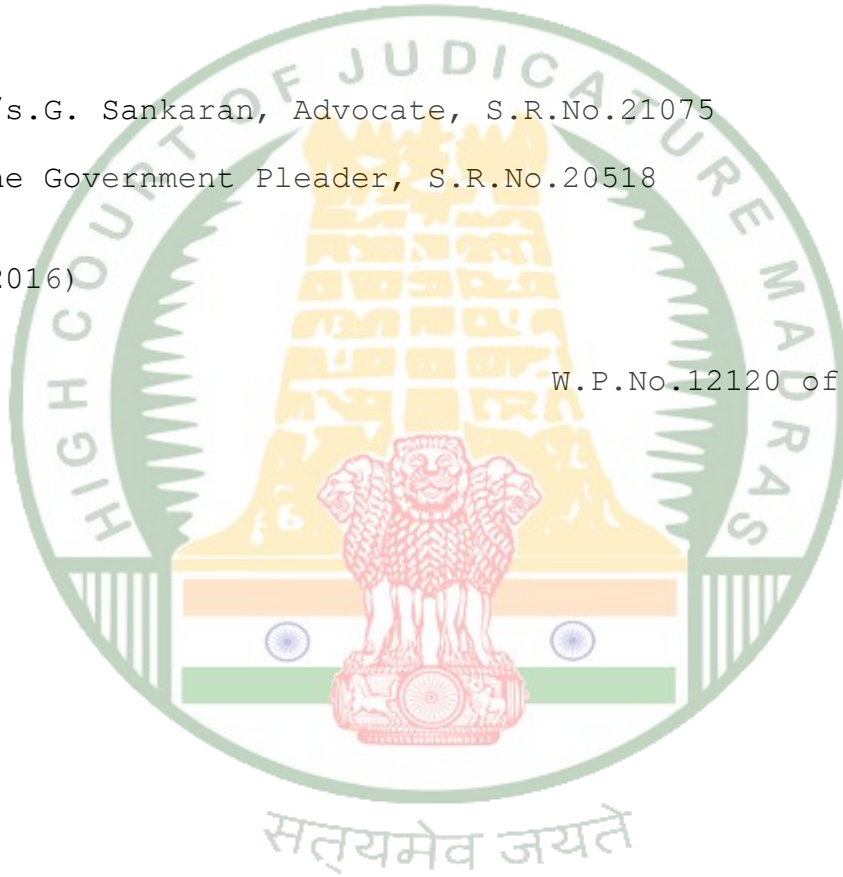
1. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006,
2. The District Elementary Educational Officer,
Kancheepuram District,
Kancheepuram,
3. The Assistant Elementary Educational Officer,
Chitlapakkam,
Chennai,

+1cc to M/s.G. Sankaran, Advocate, S.R.No.21075

+1cc to the Government Pleader, S.R.No.20518

SAI (CO)
EU(15/04/2016)

W.P.No.12120 of 2016



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