

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33982 of 2016

A.Mary Pauline Sargunavathy

... Petitioner

Vs.

1 Government of Tamil Nadu
Rep by Secretary to Government
School Education Department,
Secretariat,
Chennai – 600 009.

2 The Director of School Education
Nungambakkam,
College Road,
Chennai – 600 006.

3 The Chief Educational Officer
Tiruvanamalai,
Tiruvanamalai District.

4 The District Education Officer
Tiruvanamalai,
Tiruvanamalai District.

5 The Head Master
Danish Mission Higher Secondary School,
Tiruvanamalai,
Tiruvanamalai District.

6 The Correspondent/Secondary
Danish Mission Higher Secondary School
Tiruvanamalai,
Tiruvanamalai District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 and 4 to approve the appointment of the petitioner as Commercial Instructor (Typewriting) in Danish Mission Higher Secondary School Tiruvannamalai from 01.11.2007 by considering the proposals dated 09.09.2008 of the 4th respondent and further directing the respondents 5 and 6 to fix time scale of pay and disburse the Salary and allowances to petitioner for the period from 01.11.2007 onwards till date of retirement and the retrial benefits.

For Petitioner : Mr.V.Thirupathi
For Respondents : Mr.S.Gunasekaran for R1 to R4
Additional Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents 3 and 4 to approve the appointment of the petitioner as Commercial Instructor (Typewriting) in Danish Mission Higher Secondary School, Tiruvannamalai from 01.11.2007 by considering the proposals dated 09.09.2008 of the fourth respondent and further directing the respondents 5 and 6 to fix time scale of pay and disburse the Salary and allowances to petitioner for the period from 01.11.2007 onwards till date of retirement and the retrial benefits.

3.The petitioner would state that she has passed S.S.L.C. (old pattern of 11 years) and then Pre-University course and Typewriting (English) by Higher Grade. She has successfully undergone technical Teachers Certificate Course and passed the examination in June, 1990 and registered her name in the Employment Exchange (Regn.No.8615).

4.The petitioner would further state that on coming to know that there was a vacancy of Commercial Instructor in Danish Mission Higher Secondary School, Tiruvannamalai, a Religious Minority School, consequent to the retirement of Mr.Z.Devarajan, Commercial Instructor (Typewriting) on 31.08.2006 and on re-employment till 31.05.2007, she applied for the said post since she was fully qualified and eligible. Thereafter, vide proceedings of the Correspondent dated 31.10.2007, she was appointed in the said post with effect from 01.11.2007, subject to the approval of the Education Department. The Correspondent also submitted proposal by Letter Na.Ka.No.807/A1/08, dated 09.09.2008 to the District Educational Officer, Tiruvannamalai, but her appointment has not been approved till date. The sixth respondent has also issued a letter dated 09.08.2016 certifying that she had worked as Typewriting Instructor from 01.11.2007 and

retired. The petitioner also made representation to the respondents 3 and 4 requesting to approve her appointment from 01.11.2007, but it evoked no response. Hence, left with no other option, the petitioner has come forward with this writ petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents 1 to 4.

6. Considering the submissions made on either side and without going into the merits of the same, this Court directs the respondents 3 and 4 to pass appropriate orders on the proposal sent by the sixth respondent dated 09.09.2008, followed by the reminder dated 09.08.2016, with regard to the approval of the appointment of the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

27.09.2016

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Index: Yes / No
Internet: Yes / No

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R.SUBBIAH,J.
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