

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No. 35563 of 2016

K.Muthumari Jagatha

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort. St. George, Chennai - 9.

2. The Director of Elementary Education,
College Road, Chennai - 6

3. The District Elementary Education Officer,
Erode, Erode District.

4. The Assistant Elementary Education Officer,
Erode, Erode District.

5. The Correspondent,
Matharasa Hidayathul Islam Primary School,
B.P.Agraharam,
Erode - 638 005.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to approve the appointment of the petitioner as Secondary Grade teacher w.e.f. 02.06.2014 in the 5th respondent school with all consequential benefits, based on the proposal of the 5th respondent dated 20.07.2014, resubmitted on 12.03.2015.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to approve the appointment of the petitioner as Secondary Grade teacher w.e.f. 02.06.2014 in the 5th respondent school with all consequential benefits, based on the proposal of the 5th respondent dated 20.07.2014, resubmitted on 12.03.2015.

3. It is the case of the petitioner that after completion of degree in B.Com, she studied diploma in Teacher Education and she is qualified with teacher eligibility test with 92 marks in August 2013. By proceedings dated 12.04.2012, the 2nd respondent directed all the aided private schools to fill up the vacancies, as per, right of Children to free and Compulsory Education Act 2009. In the 5th respondent school, one vacancy arose for the post of Secondary Grade Teacher, on 05.11.2012, due to death of one Mrs.A.Saburkani. Since there is no qualified teacher, with TET, after a period of two years, the 5th respondent appointed the petitioner as a Secondary Grade Teacher, by an order dated 05.05.2014, considering the fact that she secured 92 marks and passed in TET and the petitioner joined the duty on 02.06.2014.

4. Thereafter, the 5th respondent submitted a proposal for approval of the appointment of the petitioner as a secondary grade teacher on 20.07.2014 to the 3rd respondent through the 4th respondent. On receipt of the same, the 4th respondent forwarded the same to the 3rd respondent for consideration. Since the same was not considered, 5th respondent management, by representation dated 08.08.2014, requested the 2nd respondent to accord approval to her appointment. Since the same did not fetch any result, the 5th respondent school made another representation to the 3rd respondent on 08.10.2014 and 15.10.2014 to the 4th respondent.

5. The 3rd respondent, by a letter dated 15.12.2014, returned the proposal, directing the school to comply certain defects. The 5th respondent school after complying the defects, re-submitted the proposal to the 3rd respondent, on 12.03.2015 through 4th respondent and the same was also forwarded by the 4th respondent to the 3rd respondent. Since there was no response, the 5th respondent school preferred an appeal dated 14.06.2016 to the respondents 2 and 4. Thereafter, the school by a representation dated 30.06.2016, again sought for approval of the appointment of the petitioner to the 3rd respondent. The 2nd respondent by letter dated 11.08.2016, directed the 3rd

respondent to submit a report with regard to steps taken on the proposal submitted by the school. But, till date the 3rd respondent has not taken any steps for approval of appointment of the petitioner. Hence the petitioner has come forward with the present Writ Petition.

6. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

7. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going to the merits of the claim of the petitioner, directs the third respondent to consider the proposal of the 5th respondent dated 20.07.2014 (resubmitted on 12.03.2015) and pass appropriate orders with regard to granting of approval for appointment of the petitioner as Secondary Grade Teacher w.e.f 02.06.2014 in the 5th respondent school with all consequential benefits, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1. The State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort. St. George,
Chennai - 9.

2. The Director of Elementary Education,
College Road,
Chennai - 6

3. The District Elementary Education Officer,
Erode, Erode District.

4. The Assistant Elementary Education Officer,
Erode, Erode District.

+1 cc to Mr.S.N.Ravichandran, Advocate SR.NO. 57684

+1 cc to Govt. Pleader, SR.NO. 57837

WP.No.35563 of 2016

SV(CO)

MMP 12.11.2016



DATED: 06.10.2016

WEB COPY