

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

WRIT PETITION No.37360 of 2016

R.Solomon Raja

... Petitioner

vs.

1. The District Educational Officer,
Tiruvannamalai,
Tiruvannamalai District.
2. The Correspondent,
Danish Mission Higher Secondary School,
Tiruvannamalai,
Tiruvannamalai District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to consider and pass orders on the petitioner's representation dated 16.12.2015 for payment of salary in the post of B.T. Assistant in the 2nd respondent School.

For Petitioner : Ms.T.Dharani
For Respondents : Mr.V.Anandamoorthy
Additional Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent to consider and pass orders on his representation dated 16.12.2015 for payment of salary in the post of B.T. Assistant in the 2nd respondent School.

2. According to the petitioner, he is working as B.T. Assistant (Science) in Danish Higher Secondary School at Thiruvannamalai, which is an aided minority Institution. He was appointed in the said School on 19.01.2011 in the vacancy caused by the retirement of one J.Praveen Kumar. Immediately thereafter, proposal has been sent by the Correspondent of the said School to the Chief Educational Officer, Thiruvannamalai and the District Educational Officer, Thiruvannamalai, for approval of his appointment. Since the petitioner has not

passed the Teacher Eligibility Test, his appointment has not been approved. Thereafter, teaching grant has not been given for his post and the petitioner has been working without salary, since 19.01.2011.

3. It is further stated by the petitioner that the Director of School Education, Chennai, issued an order dated 07.11.2013 vide proceedings in Na.Ka.No.34116/D1/E4/2013, directing the the Chief Educational Officers to instruct the District Educational Officers to cancel the approval of appointments of those candidates, who were appointed in aided schools without passing the Teacher Eligibility test. The said order has been stayed by the Madurai Bench of this Court and pursuant thereto, the Director of School Education, Chennai issued an order in Na.Ka.No.34116/D1/C4, dated 27.11.2013 keeping in abeyance all further action based on the earlier proceedings dated 07.11.2013 passed by the Director of School Education. Thereafter, several teachers, who were appointed before 23.08.2012 without passing the Teacher Eligibility Test and whose services were sought to be terminated, approached this Court and filed Writ Petitions and obtained an interim order and they are continuing in service and getting salary.

4. Since the petitioner was sought to be terminated, he filed W.P.No.7048 of 2015 and obtained an interim order of injunction. Yet, salary was not given to him. Hence, he made a representation to the 1st respondent on 16.12.2015 to consider his case and pay him salary. Finding no action on his representation, the petitioner is before this Court with the above Writ Petition.

5. Learned counsel for the petitioner submitted that the petitioner's grievance would be redressed if the 1st respondent is directed to consider his representation within a stipulated time.

6. In view of the above, this Court directs the 1st respondent to consider the petitioner's representation dated 16.12.2015 on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

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This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The District Educational Officer,
Tiruvannamalai,
Tiruvannamalai District.
2. The Correspondent,
Danish Mission Higher Secondary School,
Tiruvannamalai,
Tiruvannamalai District.

+1cc to Mr.T. Dharani, Advocate, S.R.No.63715
+1cc to the Government Pleader, S.R.No.64375

lrs (CO)
md(08/11/2016)

W.P.No.37360 of 2016

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