

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.41046 of 2016

St. Joseph's Primary School,
rep. by its Correspondent
A.Thomas Selvam.

... Petitioner

Vs

- 1 The District Elementary
Educational Officer Kancheepuram District
at Kancheepuram.
- 2 The Assistant Elementary
Educational Officer Kattangulathur
Kancheepuram District

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner school application dated 18.8.2016 submitted with reference to the approval of the appointment of Secondary Grade Teacher/ S.Anita w.e.f. 1.9.2014.

For Petitioner : Mr.A.Asokan

For Respondents : Mr.V.Anandhamoorthy,
Addl. Govt. Pleader (Edn)

ORDER

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

2. The petitioner school has come up with the present writ petition for a mandamus, directing the first respondent to consider and pass orders on the application dated 18.8.2016 submitted with reference to the approval of the appointment of Secondary Grade Teacher / S.Anita with effect from 1.9.2014.

3. It is the case of the petitioner school that the petitioner school is taking classes for the students from I Standard to V Standard. In the school, one of the secondary grade teachers viz., S.Aruvalan died on 8.7.2014 and in that vacancy, one S.Anita was appointed as secondary grade teacher on

1.9.2014 with pay scale of Rs.5200-20200 + GP 2800 and other allowances. Seeking approval of the said appointment, the petitioner school sent a letter dated 1.9.2014 and a reminder dated 27.1.2015 to the first respondent through the second respondent. The second respondent, vide letter dated 19.3.2015, forwarded the papers and recommended the approval of the said S.Anita to the first respondent. Since the second respondent vide his letter dated 19.5.2015, has informed that the approval file was returned by the first respondent, the petitioner school re-submitted the application on 15.6.2015. But, the first respondent by proceedings dated 24.7.2015 refused to approve the same on the ground that there are surplus teachers working in the aided schools of Kancheepuram District and returned the entire files. Again the petitioner school sent an application dated 18.8.2016 to the first respondent stating that there is no surplus teacher in the two schools run by the petitioner school and requested him to grant approval of the said appointment. Since the said application was also not considered so far, left with no other alternative, the petitioner school has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the first respondent to consider the application of the petitioner dated 18.8.2016 seeking approval of the appointment of Secondary Grade Teacher / S.Anita with effect from 1.9.2014 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

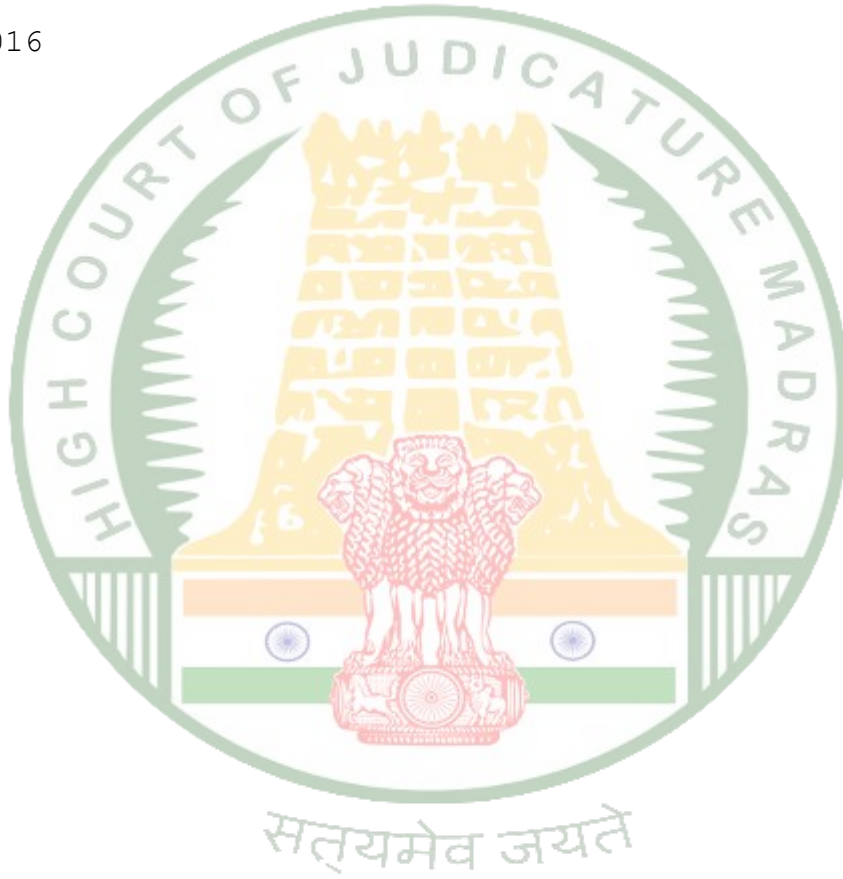
- 1 The District Elementary
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+1 cc to Mr.A.Asokan Advocate sr 67966

W.P.No.41046 of 2016

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