



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.03.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.15388 of 2015

The Correspondent,
St. Antony's High School,
Siluvaipatty,
Tuticorin District - 628 002.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

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

3.The District Educational Officer,
Tuticorin, Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the third respondent District Educational Officer in O.Mu.No.5567/Aa1/14, dated 10.10.2014 and quash the same and further direct the third respondent herein to approve forthwith the appointment of Mr.J.Jacob as BT Assistant(Science) in the petitioner-school w.e.f., the date of appointment viz., 09.06.2014 with salary and attendant benefits.

For Petitioner : Mr.A.Ajith Geethan

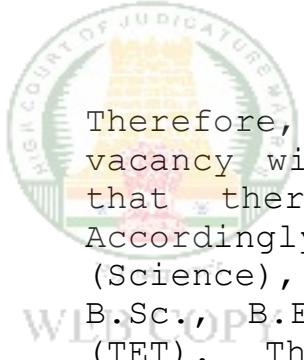
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

ORDER

This Writ Petition is filed by the petitioner challenging the impugned proceedings issued by the third respondent District Educational Officer in O.Mu.No.5567/Aa1/14, dated 10.10.2014 and to direct the third respondent herein to approve the appointment of Mr.J.Jacob as BT Assistant(Science) in the petitioner-school w.e.f., the date of appointment viz., 09.06.2014 with salary and attendant benefits.

<https://hcservices.courts.gov.in/hcservices> facts of the case are as follows:

In the petitioner-school, the Post of BT Assistant(History) fell vacant due to the retirement of previous incumbent.



Therefore, the petitioner-School decided to fill up the said vacancy with Science Teacher instead of History for the reason that there was acute need for one BT Assistant(Science). Accordingly, one Mr.J.Jacob was appointed as BT Assistant (Science), who had all the qualifications for the Post namely B.Sc., B.Ed., and he has also passed Teacher Eligibility Test (TET). Thereafter, the petitioner-school submitted a proposal to the third respondent District Educational Officer for approval of the appointment of the said Jacob as BT Assistant(Science) and disbursement of grant-in-aid towards salary. The said proposal was returned by the third respondent vide his proceedings in O.Mu.No.5567/Aa1/14, dated 10.10.2014 seeking certain particulars along with prior permission of Chief Educational Officer for Post conversion from History to Science as per Subject Roster. The petitioner-school has also re-submitted the proposal to the District Educational Officer on 25.02.2015 and a reminder was also sent on 17.06.2015. Without waiting for the District Educational Officer to consider the proposal sent by the petitioner, the petitioner-school had rushed to this Court challenging the order rejecting the earlier approval for want of particulars.

3. The learned Additional Government Pleader submitted that whenever there is a change of Subject Roster, the petitioner-school has to obtain permission from the Authorities. Nothing prevented the petitioner-school from getting permission from the Chief Educational Officer for Post conversion. He further submitted that in view of the pendency of the Writ Petition, further order cannot be passed.

4. After hearing both parties for sometime, the learned counsel for the petitioner restricted his prayer only for a Mandamus directing the third respondent to approve the appointment of Mr.J.Jacob as BT Assistant(Science) in the petitioner-school w.e.f the date of appointment ie., 09.06.2014.

5. Considering the limited scope of the prayer sought for, without going into the merits of the case, the third respondent is directed to consider the proposal sent by the petitioner-school dated 25.02.2015 and the reminder dated 17.06.2015 for approval of the appointment of Mr.J.Jacob as B.T.Assistant (Science), and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar



To

1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

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

3.The District Educational Officer,
Tuticorin, Tuticorin District.

+One cc to M/s.A.Ajith Geethan, Advocate, SR.No.13827

+One cc to The Special Government Pleader, SR.No.13794

pm

RL/6C/JGB/DP/22/3/2016

W.P (MD) No.15388 of 2015

10.03.2016