



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

WEB COPY

C O R A M

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.16941 of 2016

P.Christopher

.. Petitioner

Vs.

1. The State rep. By its Secretary,
Department of School Education,
Fort St.George, Chennai - 9.
2. The Joint Director,
The Director of School Education,
College Road, Chennai - 6.
3. The Chief Educational Officer,
Kovilpatti, Thoothukudi District.
4. The District Educational Officer,
Kovilpatti, Thoothukudi District.
5. The Correspondent,
Joint The Baptist Hr.Sec.School,
Puthiamputhur - 628 402,
Thoothukudi District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the fourth respondent/District Educational Officer, to approve the appointment of the petitioner as Office Assistant in the fifth respondent school w.e.f.19.07.2002 with salary and all attendant benefits from the said date.

For petitioner ... Ms.R.Saraswathi

For Respondents ... Mr.S.Kumar
Additional Government Pleader

**O R D E R**

This is a Writ of Mandamus seeking direction to the fourth respondent, to approve the appointment of the petitioner as Office Assistant in the fifth respondent school w.e.f.19.07.2002 with salary and all attendant benefits.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The petitioner was appointed as Office Assistant in the fifth respondent school from 19.07.2002. His appointment was not approved by the fourth respondent on the ground that there had been ban on appointment during the relevant period of time. Later, the petitioner was re-appointed for the same post on 07.02.2006. Thereafter, his appointment was approved only from 01.11.2007, though the petitioner was appointed on 19.07.2002.

4.The learned counsel for the petitioner submitted that the approval of the post of Office Assistant to the petitioner, ought to have been granted with effect from 19.07.2002 and not from 01.11.2007.

5.The learned Additional Government Pleader for the respondents would submit that the petitioner was re-appointed from 07.02.2006 and therefore, the respondent is right in granting approval from 01.11.2007.

6.This Court by the order dated 15.03.2016 in W.P.(MD) Nos.11481 of 2008 etc. batch, has issued directions to the concerned authorities to approve the appointment of non-teaching staffs from the date of their appointment and further direction was given to sanction financial grant to such post.

7.Under such circumstances, the fourth respondent is directed to pass further orders on the proposal and suggestion submitted by the fifth respondent school, in the light of the order of this Court, dated 15.03.2016, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1. The Secretary,
Department of School Education,
Fort St.George, Chennai - 9.
2. The Joint Director,
The Director of School Education,
College Road, Chennai - 6.
3. The Chief Educational Officer,
Kovilpatti, Thoothukudi District.
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5. The Correspondent,
Joint The Baptist Hr.Sec.School,
Puthiamputhur - 628 402,
Thoothukudi District.

+ 1 CC TO Ms.R.SARASWATHI, ADVOCATE IN SR No. 57805
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 57762

RJ2

TE/CK : 08/11/2016 : 3P/8C

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