



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) No.21868 of 2016

WEB COPY

R.Vinoth Kumar

.. 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 Chief Educational Officer,
Madurai District.

4.The District Educational Officer,
Madurai, Tallakulam - 625 002,
Madurai District.

5.Madurai Nadar Uravinmurai's Jayaraj Nadar
Higher Secondary School, rep. by its Secretary,
Nagamalai Pudukottai,
Madurai - 625 019.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the fourth respondent herein to approve forthwith the appointment of petitioner as Office Assistant in the fifth respondent - school from 23.09.2016 onwards with salary and other attendant benefits.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.T.S.Mohammed Mohideen,
1 to 4 Additional Government Pleader.

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the fourth respondent herein to approve forthwith the appointment of petitioner as Office Assistant in the fifth respondent - school from 23.09.2016 onwards with salary and other attendant benefits.

2.Heard the learned counsel for the petitioner and the respondents 1 to 4. By consent, the writ petition is taken up for final disposal at the admission stage.



3.The case of the petitioner is that the fifth respondent school is a private aided school, governed by the provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act. The petitioner was appointed as Office Assistant in the fifth respondent school, on 23.09.2016, in the sanctioned post, which fall vacant on 31.08.2013, on account of the retirement of previous incumbent, Mr.P.Gunasekaran. The fifth respondent school has sent a proposal dated 08.10.2016, along with necessary documents to the fourth respondent to approve the appointment of the petitioner as Office Assistant. As there is no response, the fifth respondent submitted a reminder on 01.11.2016. Since the proposal is not yet considered, this writ petition has been filed.

4.The learned counsel for the petitioner would point out that G.O.Ms.115, dated 30.05.2007 has already been quashed and therefore it is for the fourth respondent to consider and pass orders on the proposal submitted by the fifth respondent school in the light of the Judgment of this Court in Deva Asir v. Secretary to Government, School Education Department, State of Tamil nadu, Secretariat, Chennai - 9 and Others reported in 2016-III-LLJ-49 (Mad) (W.P(MD)Nos.11481 of 2008 etc. batch).

5.The learned Additional Government Pleader would submit that it is agreeable for the fourth respondent to consider the proposal submitted by the fifth respondent school in the light of the Judgment cited supra and to pass appropriate orders within a period of four weeks.

6.Recording the submission made by the learned Additional Government Pleader for the respondents, the fourth respondent is directed to consider the proposal submitted by the fifth respondent school, dated 08.10.2016 for the approval of the appointment of the petitioner as Office Assistant, in the light of the Judgment of this Court in Deva Asir v. Secretary to Government, School Education Department, State of Tamil nadu, Secretariat, Chennai - 9 and Others reported in 2016-III-LLJ-49 (Mad) (W.P(MD)Nos.11481 of 2008 etc. batch) and to 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.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar



To

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

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

3.The Chief Educational Officer,
Madurai District.

4.The District Educational Officer,
Madurai, Tallakulam - 625 002,
Madurai District.

+One c to Mr.E.V.N.Siva, Advocate, SR.No.69695

+One cc to The Special Government Pleader, SR.No.69337

smn

RL/7C/3P/SKS/RR/12.12.2016

ORDER MADE IN
W.P (MD) No. 21868 of 2016

16.11.2016