



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21918 of 2016

T.Isaac Selvaraj

... Petitioner

vs.

1)The State of Tamilnadu,
Rep by it's Principal Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.

2)The Joint Director of School Education (Higher Secondary),
Office of the Director of School Education,
College Road,
Chennai-600 006.

3)The District Educational Officer,
O/o. the District Educational Officer.
Virudhunagar,
Virudhunagar District.

4)The Director of School Education,
College Road,
Chennai-6.

... Respondents

(R4 impleaded vide order dated 16.11.2016 made in this writ petition)

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to dispose the appeal dated 11.08.2015 preferred by the petitioner as against the order passed by the 3rd respondent vide his proceeding O.Mu.No.2185/A6/2013, dated 29.04.2014 within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates

For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader



ORDER

This Writ of Mandamus has been filed, seeking for a direction to the 2nd respondent, to dispose of the Appeal dated 11.08.2015, preferred by the petitioner, as against the order passed by the 3rd respondent, vide his proceedings in O.Mu.No.2185/A6/2013, dated 29.04.2014, within the period that may be stipulated by this Court.

2.The petitioner was appointed as Junior Assistant on 22.10.2003 at S.C.M.S. Girls Higher Secondary School, Sachiyarpuram, Sivakasi West, Virudhunagar District and the said school is a private minority school, governed by the Tamil Nadu Private Schools (Regulation) Act and the Rules. The petitioner was appointed in the vacancy caused due to the transfer of the then incumbent and therefore, it is clear that his appointment was made against the sanctioned post. Immediately, a proposal for approval of such appointment was also made. However, the proposal was returned, by stating that due to the ban imposed by the Government, approval could not be granted. Subsequently, the appointment of the petitioner was approved by the proceedings of the Director of School Education, Chennai, dated 30.07.2007, with effect from 30.07.2007.

3.It is the grievance of the petitioner that approval ought to have been given from the initial date of appointment i.e., from 22.10.2003 and not from 30.07.2007. So stating, the petitioner made a representation to the 3rd respondent, which was rejected by the proceedings of the 3rd respondent dated 29.04.2014, against which, he preferred an Appeal dated 11.08.2015 to the 2nd respondent. It is stated that the Director of School Education, Chennai, is now dealing with the Appeal preferred by the petitioner, but he has not been added as a party in this writ petition. Therefore, this Court suo motu impleads the Director of School Education, Chennai, as 4th respondent in this writ petition.

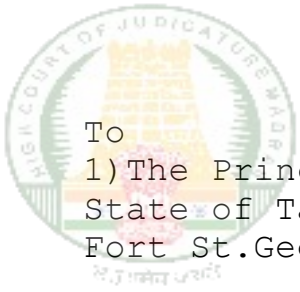
4.Considering the limited relief sought for in this writ petition, the 4th respondent is directed to consider the Appeal, dated 11.08.2015 of the petitioner and to dispose of the same, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Record)

/True copy/



To

1) The Principal Secretary,
State of Tamilnadu, School Education Department,
Fort St. George, Chennai-600 009.

2) The Joint Director of School Education (Higher Secondary),
Office of the Director of School Education,
College Road, Chennai-600 006.

3) The District Educational Officer,
O/o. the District Educational Officer.
Virudhunagar, Virudhunagar District.

4) The Director of School Education,
College Road, Chennai-6.

+1cc to M/s. Ajmal Associates, SR.No.69797

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