



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.23099 of 2016

Cardamom Planters' Union Higher Secondary School  
rep. by its Secretary, T.Thirumalai Chandrasekaran  
Cumbum - 625 516, Theni District. : Petitioner

Vs.

The District Educational Officer,  
O/o.The District Educational Officer,  
Uthamapalayam, Theni District. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to grant approval to the appointment made in the post of Watchman in the petitioner's school by considering the proposal sent by the petitioner dated 02.06.2014 with all consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy  
For Respondent : Mr.A.Muthukaruppan,  
Additional Government Pleader.

#### O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to grant approval to the appointment made in the post of Watchman in the petitioner's school by considering the proposal sent by the petitioner dated 02.06.2014 with all consequential benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that one Mr.V.Veerapathiran, who was working as Watchman in the petitioner's school, got retired on 31.08.2010. As the post was vacant, on 01.06.2014, one Mr.R.Ammavasi, was appointed in the post of Watchman as per the resolution of the School Committee, dated 26.05.2014. The Secretary of the petitioner's school has forwarded a proposal dated 02.06.2014, to the respondent, seeking approval of the appointment of Mr.R.Ammavasi for the post of Watchman. The said proposal is kept pending in the office of the respondent. Aggrieved over the inaction on the part of the respondent, the



petitioner's school has sent a letter dated 27.07.2016 to the respondent seeking for information about the status of the proposal. The respondent, by the proceedings, dated 13.10.2016, has sent a reply stating that there is no specific Government Order enabling to approve the appointment of Watchman and therefore the proposal is pending. Therefore, 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 respondent to consider and pass orders on the proposal submitted by the petitioner's 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 respondent to consider the proposal submitted by the petitioner's 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 respondent, the respondent is directed to consider the proposal submitted by the petitioner's school, dated 02.06.2014 for the approval of the appointment of Mr.R.Ammavasi as Watchman, 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(CS-I)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,  
Madurai-23.

To  
The District Educational Officer,  
O/o.The District Educational Officer,  
Uthamapalayam, Theni District.

+1cc to M/s.T.Lajapathi Roy, Advocate in SR.78448  
+1cc to the Special Government Pleader, in SR.79015

W.P (MD) No.23099 of 2016  
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