



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.12828 of 2011

K.Raj

..Petitioner

-vs-

1.The Director of School Education,
Directorate of School Education,
College Road, Nungambakkanm,
Chennai.

2.The Chief Educational Officer,
Thoothukudi District.

3.The District Educational Officer,
thoothukudi.

4.The Secretary,
Kammavar Girls Higher Secondary School,
Kalugumalai,
Thoothukudi District.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the case of the petitioner and appoint him as Night Watchman in the 4th respondent school on compassionate ground.

For Petitioner : Mr.B.Prasanna Vinoth

For RR - 1 to 3 : Mr.T.S.Mohammed Mohideen

Additional Government Pleader

For R - 4 : No appearance

ORDER

This Writ petition has been filed seeking a direction to the respondent to consider the case of the petitioner and appoint him as Night Watchman in the 4th respondent school on compassionate ground.

2.The petitioner's father by name Kasbar died on 16.05.2009, while serving in the fourth respondent school as Night Watchman. Therefore, the petitioner has submitted an application on 04.06.2009, seeking approval for appointment on compassionate ground. On the very same day, a resolution was also passed by the school committee, to appoint the petitioner as Night Watchman after getting permission from the concerned authorities.



3.It is the grievance of the petitioner that on 25.01.2010 the fourth respondent has sent a proposal to the second respondent, seeking approved for appointment of the petitioner on compassionate ground. But, till date no orders have been passed on the proposal sent by the fourth respondent. Therefore, the petitioner has compelled to file the present Writ Petition, seeking a direction to consider his proposal for appointment of Night Watchman.

4.The learned Additional Government Pleader appearing for the respondents submitted that in view of G.O.No.115 dated 30.05.2007, no orders have been passed.

5.It is brought to the notice of this Court that by the Judgment of this Court dated 15.03.2016 passed in W.P.(MD) Nos.11481 of 2008, etc. batch, G.O.No.115 dated 30.05.2007 has been quashed and therefore, necessity of getting prior permission for the appointment as Night Watchman does not arise.

6.Under such circumstances, the third respondent is directed to consider the proposal in the light of staff fixation and to pass orders within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Director of School Education,
Directorate of School Education,
College Road, Nungambakkanm,
Chennai.

2.The Chief Educational Officer,
Thoothukudi District.

3.The District Educational Officer,
Thoothukudi.

4.The Secretary,
Kammavar Girls Higher Secondary School,
Kalugumalai, Thoothukudi District.

+1cc to M/s.B.Prasana Vinoth, Advocate in SR.57214

+1cc to the Special Government Pleader, in SR.57014