

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.01.2017
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.40/2017 & WMP.No.31/2017

T.Dominic

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Petitioner

Vs

1.The Director of School Education
DPI Campus, College Road
Chennai 600 006.

2.The Chief Educational Officer
Panagal Building, Saidapet,
Chennai 600 015.

3.The District Educational Officer
North Chennai, Chennai 600 008.

4.The Correspondent
Don Bosco High School
No.50, Sundaram Street
Vyasarpadi, Chennai 600 039.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Office Assistant in the 4th respondent school from the date of initial appointment on 01.06.2009 and to make the payment of salary from the date of initial appointment with all consequential and other attendant benefits within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For RR 1 to 3 : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner would state that he is having the qualification of SSLC and got his name registered in the jurisdictional Employment Exchange. The petitioner would aver that the 4th respondent / School is a Religious Minority Aided Institution and is receiving grant-in-aid from the State

Government for teaching and non-teaching staff, working in the School and a vacancy arose in the post of Assistant on account of the retirement of one Tmt.V.Annammal on 30.06.2007. The petitioner was selected and appointed in the said post on 01.06.2009 and she joined duty on the same day. The 4th respondent / School has also forwarded a proposal to the 3rd respondent seeking approval of the appointment of the petitioner and on account of the ban order issued in G.O.Ms.No.212, P&AR Department, dated 29.11.2001, the approval sought for, has not been considered and the grievance of the petitioner is that even after lifting of the ban, the approval sought for by the 4th respondent / School has not been accorded and hence, the petitioner has come forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the matter in issue is squarely covered by the judgment dated 25.01.2011 made in WA.No.1077/2009 [Government of Tamil Nadu represented by its Secretary to Government, Department of School Education, Chennai-09 and two others Vs. St.Joseph Higher Secondary School, Chengalpattu, and it is further submitted that an order of ad-interim direction was also issued in WP.No.33613/2015 vide order dated 16.10.2015, directing the respondents therein to pay salary prospectively to the petitioner therein, subject to the result of the writ petition and therefore, prays for appropriate orders.

4 The Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1 to 3.

5 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to act on the proposal dated 01.09.2009 submitted by the 4th respondent / School and also take note of the judgment dated 25.01.2011 made in WA.No.1077/2009 [cited supra] and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 4th respondent / School.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

to

1.The Director of School Education
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Chennai 600 006.

2.The Chief Educational Officer
Panagal Building, Saidapet,
Chennai 600 015.

3.The District Educational Officer
North Chennai, Chennai 600 008.

+1 cc to Mr.G.Sankaran Advocate sr 979

+1 cc to Government Pleader sr 878

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W.P.No.40/2017

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