

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7005 of 2017

M.Edwin Deepak

.. Petitioner

-vs-

1. Director of School Education
Chennai 600 006

2. District Educational Officer
Coonoor 643 102
The Nilgiris District

3. The Correspondent
St.Antony's Higher Secondary School
Near Simspark
Coonoor 643 101
The Nilgiris District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his Proceedings O.Mu.No.4976/E2/2012 dated 12.11.2014 and quash the same and direct the respondents to approve the appointment of the petitioner as Junior Assistant from the date of appointment and confer all the consequential benefits.

For Petitioner :: Mr.P.Ganesan

For Respondents :: Mr.V.Anandhamurthy
Additional Government Pleader
for R1 & 2

ORDER

The petitioner was appointed as Junior Assistant on 2.9.2013, in a sanctioned vacancy that arose in the third respondent School, due to the retirement of one Mr.M.Selvaraj on

31.8.2013. The third respondent Management, considering the qualification possessed by the petitioner and appointing him, forwarded the proposal on 19.2.2014 to the second respondent seeking approval of his appointment as Junior Assistant . But the proposal was returned on the ground that after obtaining orders from the first respondent, approval would be considered. So far as the appointment of the petitioner in the third respondent School is concerned, his candidature was considered to the post of Junior Assistant in a sanctioned post that arose due to the retirement of one Mr.V.Selvaraj on 31.8.2013. Mentioning all these particulars that the petitioner has got the requisite qualification for the post of Junior Assistant and he was also appointed in a sanctioned vacancy, the proposal was sent seeking approval of his appointment. But the second respondent has merely returned the same.

2. Mr.V.Anandhamurthy, learned Additional Government Pleader, taking notice on behalf of the respondents 1 & 2, submitted that if the proposal sent by the third respondent School is in order, within a reasonable time, the same will be considered.

3. The issue is no longer res integra, as this Court, while considering a similar prayer made by similarly placed persons in W.P.Nos.29998 & 29999 of 2014, by order dated 17.3.2017, had disposed of the said writ petitions directing the respondent therein to pass orders granting approval of the appointments made to the respective posts. In the light of the above, this writ petition is disposed of with a direction to the respondents 1 & 2 to consider the proposal sent by the third respondent School for granting approval of the appointment of the petitioner in the post of Junior Assistant with effect from 2.9.2013, subject to fulfillment of the eligibility criteria, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.Nos.7625 & 7626 of 2017 are closed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Director of School Education
Chennai 600 006

2. The District Educational Officer
Coonoor 643 102
The Nilgiris District

+1cc to Mr.C.S.Associates, SR.No.17991

+1cc to Government Pleader SR.No.16721

W.P.No.7005 of 2017

SDR 10.04.2017



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