

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.6020 & 6021 of 2017

S.K.S.D.S.Higher Secondary School
Thirupananthal 612 504
Thiruvidaimaruthur Taluk
Thanjavur District
rep.by its Secretary Dr.S.Lakshmanan
S/o K.S.Srinivasan ..Petitioner in both the writ
petitions

-vs-

1. The State of Tamil Nadu
rep.by its Principal Secretary
to Government
School Education Department
Secretariat, Fort St.George
Chennai 600 009
2. The Director of School Education
DPI Campus, College Road
Chennai 600 006
3. The District Educational Officer
Kumbakonam
Thanjavur District .. Respondents in both the writ
petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to approve the appointment of Thiru.R.Saravanan in the regular sanctioned post of Night Watchman; to approve the appointment of Thiru.G.Hariharan in the regular sanctioned post of Office Assistant, in the petitioner School from the date of appointment on 28.12.2016 and to make the payment of salary with interest and other consequential service benefits, within a time frame to be fixed by this Hon'ble Court.

For Petitioner :: Mr.G.Sankaran

For Respondents:: Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner School had appointed Mr.R.Saravanan as Night Watchman and Mr.G.Hariharan as Office Assistant by orders dated 21.12.2016 and both of them have joined duty on 28.12.2016. The vacancy of Night Watchman arose due to the retirement of one Mr.S.Dhanapal, on reaching the age of superannuation, on 1.7.2011 and the vacancy of Office Assistant arose due to the retirement of one Mr.L.Janarthanam, on reaching the age of superannuation, on 31.7.2016. After the appointment of the incumbents to the said posts, the petitioner School has also forwarded the proposals during December, 2016 and January, 2017 to the third respondent seeking approval of their appointments with effect from 28.12.2016. But the proposals are pending on the file of the third respondent-District Educational Officer, Kumbakonam, Thanjavur District. As the present issue is well settled that if any non-teaching staff is appointed in a retirement vacancy or sanctioned post, on the proposal made by the school after making a proper appointment in accordance with law, the educational authority shall not keep the file pending in cold storage for a long time, in the present case, when Mr.R.Saravanan was appointed as Night Watchman, which is more essential to safeguard the property of the petitioner School and Mr.G.Hariharan was appointed as Office Assistant, till date, no final order has been passed and the same is pending on the file of the third respondent. Therefore, a direction may be issued to the respondents to pass appropriate orders, accepting the proposals made by the petitioner School, the learned counsel pleaded.

2. Mr.T.M.Pappiah, learned Special Government Pleader for the respondents sought six weeks time to pass final orders.

3. The proposals made by the petitioner School would show that Mr.R.Saravanan was selected and appointed with effect from 28.12.2016 in the post of Night Watchman, which arose due to the retirement of Mr.S.Dhanapal, who retired from service on 1.7.2011 and Mr.G.Hariharan was selected and appointed with effect from 28.12.2016 in the post of Office Assistant, which arose due to the retirement of Mr.L.Janarthanam, who retired from service on 31.7.2016. Therefore, the third respondent is hereby directed to consider the proposals sent by the petitioner School and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. Consequently, W.M.P.Nos.6446 & 6447 of 2017 are closed. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ss

To

1. The Principal Secretary to Government
School Education Department
Fort St.George
Chennai 600 009

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

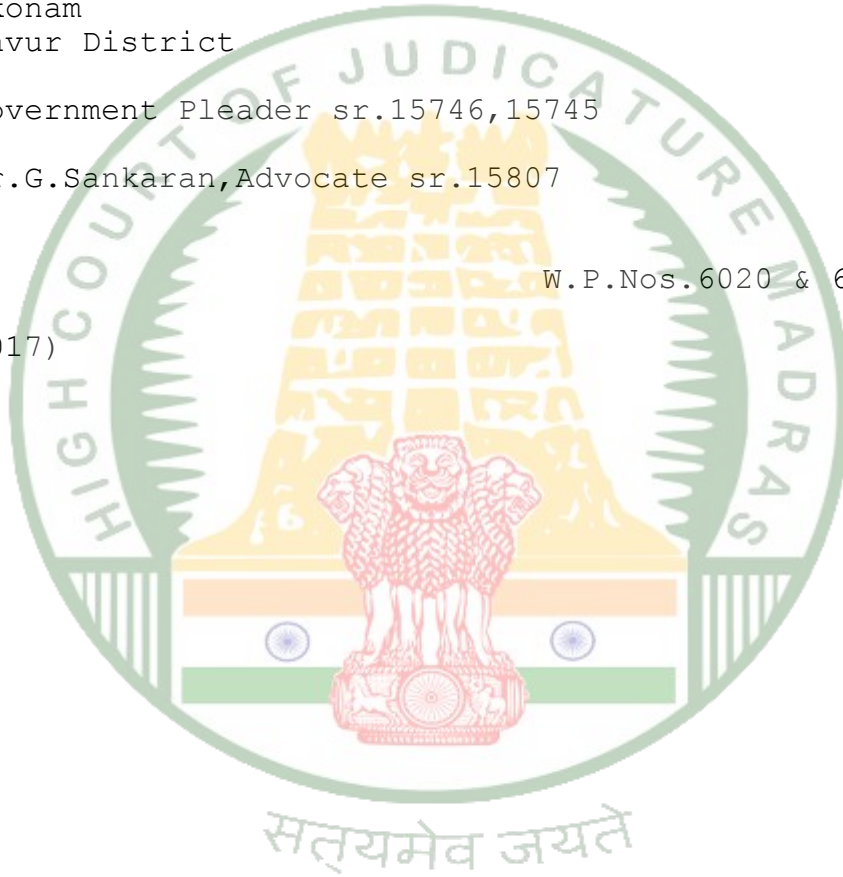
3. The District Educational Officer
Kumbakonam
Thanjavur District

+2cc to Government Pleader sr.15746,15745

+2cc to Mr.G.Sankaran,Advocate sr.15807

W.P.Nos.6020 & 6021 of 2017

vsn(co)
ss(22/3/2017)



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