

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30090 of 2017

G.Rufus David

.. Petitioner

-vs-

1. Director of School Education
College Road
Chennai 600 006

2. The District Educational Officer
Coonoor Educational District
Mount Pleasant
Coonoor, The Nilgiris

3. The Secretary
School Committee
C.S.I.Higher Secondary School
Ketti
The Nilgiris 643 215

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to pass appropriate orders on the representation dated 25.01.2016 within a specific period.

For Petitioner : Mr.R.Sivakumar

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader
for R1 & 2

ORDER

This writ petition has been filed seeking a mandamus to the District Educational Officer, Coonoor, Nilgiris District, the second respondent herein to pass appropriate orders on the representation of the petitioner dated 25.01.2016. The reason is that the petitioner was appointed as Secondary Grade Assistant by order dated 28.6.94 by the Secretary, School Committee of C.S.I.Higher Secondary School, Ketti, the third respondent herein in a vacancy caused on account of the retirement of one

Mr.A.Selvaraj. As the third respondent school is a fully aided school, his appointment order clearly spelt out that it was subject to the approval of the competent authority viz., the second respondent herein. Although the third respondent forwarded the proposal of appointment of the petitioner seeking approval to the second respondent, he had passed the order of approval only on 11.7.96 with effect from 1.6.95. Whereas the period from the date of appointment i.e., 1.7.94 till 31.5.95 has been completely lost sight of, as a result the petitioner was not even paid with the salary. When the second respondent has granted the order of approval of appointment of the petitioner by order dated 11.7.96, he cannot arbitrarily decline the period of service rendered by the petitioner from the initial date of his appointment on 1.7.94 till 31.5.95. Therefore, the petitioner has made a representation on 25.1.2016 to the second respondent seeking regularisation/approval from the initial date i.e., 1.7.94. The said representation may be directed to be considered, he pleaded.

2. But this Court is unable to accede to the said prayer. When the petitioner was appointed on 1.7.94 and on receipt of the proposal sent by the third respondent to the second respondent, his order of appointment was approved only with effect from 1.6.95, the petitioner had slept over the matter for 21 long years. The passage of long time attributes laches on the part of the petitioner. Therefore, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition stands dismissed on the ground of long delay. Consequently, W.M.P.No.32662 of 2017 is also dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

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

2. The District Educational Officer
Coonoor Educational District
Mount Pleasant
Coonoor, The Nilgiris

+1cc to Mr.R.Sivakumar, Advocate, S.R.No.83421

+1cc to the Government Pleader, S.R.No.84238

W.P.No.30090 of 2017

KS (CO)

RRK(12/12/2017)



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