

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.No.122 of 2017
and
C.M.P.No.2103 of 2017

1. The Director of School Education,
(Higher Secondary),
College Road, Nungambakkam,
Chennai 600 008.
 2. The Chief Educational Officer,
Vellore District, Vellore 632 009.
 3. The District Educational Officer,
Vellore District, Vellore 632 001.
... Appellants/Respondents 1 to 3
- Versus
1. A.Stella Mary ... 1st Respondent/Petitioner
 2. The Correspondent,
L.F.C.Girls Higher Secondary School,
Ranipet, Vellore District 632 401.
... 2nd Respondents/4th Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.3.2015 passed in W.P.No.27736 of 2013 on the file of this court.

Prayer in Writ Petition: Writ Petition filed under Article 226 of Constitution of India praying to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the proceedings in O.Mu.No.4236/A1/2011, dated 30.08.2011, if the 3rd Respondent herein and set aside the same and to direct the 4th Respondent to resubmit the proposal for the approval of the appointment of the petitioner, which was returned by the 3rd Respondent, and direct the 3rd Respondent to forward the same to the 1st Respondent and further direct the 1st Respondent to approve the petitioner's appointment as Record Clerk at the 4th Respondent school w.e.f. 01.04.2008, with salary and all other attendant

and consequential benefits including the arrears of salary and allowances arising thereof, within a time frame.

For appellants : Mrs.A.Srijayanthi,
Special Government Pleader (Edn)

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants for some time.

2. The writ appeal has been filed challenging the order of the learned Single Judge allowing the writ petition filed by the first respondent while directing the second respondent-institution to re-present the proposal of appointment of the writ petitioner/first respondent herein as Record Clerk and in turn, directing the authority concerned to consider the proposal and dispose of the same in the light of the law declared by this court in W.P.(MD) No.509 of 2009 and the subsequent judgment of this court in W.A.No.1012 of 2009.

3. It appears that regarding non-approval of the post is concerned, the learned Single Judge has directed for re-submitting of the proposal. The stand taken by the learned Special Government Pleader is that without seeking prior permission, the appointment is made for the post of Record Clerk.

4. Be that as it may, it appears that the vacancy is filled as against the sanctioned post of Record Clerk and in similar circumstances only the appeals were filed before the Division Bench. Therefore, without looking into the technicalities, the authorities concerned are to consider the proposal re-submitted by the institution on merits and in accordance with law. We do not find any irregularity in the order of the learned Single Judge. The institution is directed to re-submit the proposal, if not already done, and in turn the authorities concerned are directed to look into the matter and pass appropriate orders.

5. With the above observation, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ssk

- 1 THE DIRECTOR OF SCHOOL EDUCATION (HIGHER SECONDARY) COLLEGE ROAD NUNGAMBAKKAM CHENNAI-006.
- 2 THE CHIEF EDUCATIONAL OFFICER VELLORE DISTRICT VELLORE-632 009.
- 3 THE DISTRICT EDUCATIONAL OFFICER VELLORE DISTRICT VELLORE -632001.

+1cc Government Pleader in Sr.No.23540

W.A.No.122 of 2017

GMI (CO)
NR 20/06/2017



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