

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4764 of 2017

and WMP.Nos.4982 and 4983 of 2017

S.Nandhini

Petitioner

vs.

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

2.The Joint Director Elementary Education
(Aided Schools),
O/o. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

3.The District Elementary Educational Officer,
Villupuram District,
Villupuram.

4.The Additional Assistant Elementary
Educational Officer,
Chinnasalem,
Villupuram District.

5.The Correspondent,
Asad Middle School,
Mettupalayam,
Chinnasalem Union,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the 3rd respondent passed in O.Mu.No.3423/A4/2016 dated 02.12.2016 and to quash the same and consequently direct the respondents 1 to 4 to approve the appointment of the petitioner in the post of B.T. Assistant (English) in the fifth respondent school with

assessment of salary from the date of initial appointment along with consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.V.Anandamoorthy
Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The fifth respondent school has submitted a proposal dated 02.11.2016 to the fourth respondent praying for approval of appointment of the petitioner as B.T. Assistant (English) consequent upon the retirement of Thiru.Periyasamy, Graduate Assistant (History) and the said proposal has been rejected by the third respondent, vide order dated 02.12.2016 on the ground that necessary approval is to be accorded by the first respondent and further the petitioner did not clear the Teacher Eligibility Test.

3. The learned counsel appearing for the petitioner would submit that the matter in issue is no longer res integra in the light of the judgments in The Corporate Manager, CSI Corporate Schools, CSI Diocese of Kanyakumari, Nagercoil v. The State of Tamil Nadu, rep by its Secretary, Department of School Education, Fort St.George, Chennai-9 [2006 (5) CTC 504]; Secretary to Government, Government of Tamil Nadu, Education Department, Sengottai, Chennai-9 and others v. S.Jeyalakshmi and others 2016 (5) CTC 639 and Pramati Educational and Cultural Trust v. Union of India [2014 (8) SCC 1] and would submit that it would be suffice to direct the second respondent to consider and dispose of the appeal memorandum submitted by the fifth respondent dated 02.12.2016 in accordance with law within a time frame.

4. Per contra, Mr.V.Anandamoorthy, learned Additional Government Pleader (Education) who accepts notice on behalf of the respondents would submit that admittedly for approval of the post, the fifth respondent did not obtain any permission and since the petitioner is a fresh appointee, she has to clear the Teacher Eligibility Test.

5. This Court has considered the rival submissions and also perused the entire materials placed before it.

6. Though the petitioner prays for larger relief, this Court, in the light of the plea made by learned counsel for the petitioner, on instructions and without going into the merits of the claim projected by the petitioner, directs the second

respondent to consider and dispose of the appeal memorandum submitted by the fifth respondent dated 02.12.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fifth respondent.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Director of Elementary Education,.
DPI Campus, College Road,
Chennai-600 006.
- 2.The Joint Director Elementary Education (Aided Schools),
O/o. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The District Elementary Educational Officer,
Villupuram District, Villupuram.
- 4.The Additional Assistant Elementary Educational Officer,
Chinnasalem,
Villupuram District. सत्यमेव जयते

+1cc to Mr.G. Sankaran, Advocate, S.R.No.12202
+1cc to the Government Pleader, S.R.No.12999

mg(CO)
md(08/03/2017)

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