

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2136 of 2017

A. Kasim Ali

Petitioner

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary
Department of School Education
Fort St. George
Chennai - 600 009
2. The Director of School Education
DPI Campus
College Road
Chennai - 600 006
3. The Chief Educational Officer
Thiruvallur District
Thiruvallur - 602 001
4. The District Educational Officer
Ponneri - 601 204
5. The Correspondent
Husainy High School
Husainabad, Chennai 600 089

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 2 to 4 herein to pass appropriate orders granting approval of the petitioner's appointment to the post of Watchman with effect from 15-11-2006 to 31-06-2015 and petitioner's subsequent appointment for the post of record clerk with effect from 01-07-2015 in the 5th respondent-School and consequentially provide all monetary and service benefits applicable to the said post and pass orders.

For petitioner : Mr. R. Govindaraj
For respondents: Mr. K. Dhananjayan, Spl.G.P.

ORDER

Mr. K. Dhananjayan, learned Special Government Pleader accepts notice on behalf of respondents.

2. By consent, the writ petition is taken up for final disposal.

3. The petitioner was appointed as Watchman in the fifth respondent-School in the permanent and approved vacancy caused on account of the promotion of one Mr. Mir Zamin Husain as Record Clerk. According to the petitioner, the fifth respondent-School is a Religious Minority Educational Institution protected under Article 30(1) of the Constitution of India. The approval of the appointment of the petitioner was returned by the fourth respondent vide proceedings A.Thi.Mu.No.2467/B3/2014 dated 31-07-2014 stating that order is expected from the Government regarding filling up non-teaching post in Government Aided School. The petitioner submitted representations dated 11-03-2015 and 23-04-2015, in this regard and the same remains unconsidered and hence, has come forward with the present writ petition.

4. This Court, heard the submissions of the learned counsel for the petitioners and the learned Special Government Pleader.

5. Mr. R. Govindaraj, learned counsel appearing for the petitioner would submit that it is not in serious dispute that the petitioner has been appointed as a watchman in a non-teaching staff category and it is a permanent approved vacancy and that too in the services of the Religious Minority Educational Institution and therefore, the reasons assigned by the fourth respondent for returning the proposal is not acceptable.

6. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioner, directs the respondents 3 and 4 to act on the proposal submitted by the fifth respondent-School dated 23-04-2015, and also taken into consideration the proceedings of the third respondent in Na.Ka.No.3112/B3/2013 dated 28-09-2013 and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioners.

7. The writ petitions is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

glp
To

1. The Secretary
Department of School Education
Fort St. George, Chennai - 600 009
2. The Director of School Education
DPI Campus
College Road, Chennai - 600 006
3. The Chief Educational Officer
Thiruvallur District, Thiruvallur - 602 001
4. The District Educational Officer,
Ponneri - 601 204.

+1cc to Mr.R. Govindaraj, Advocate, S.R.No.5431
+1cc to the Government Pleader, S.R.No.5972

VGI (CO)
EU 24.2.17

सत्यमेव जयते

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