

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.26811 of 2010
and
MP.1 of 2010

Sree Muthukumaraswamy

P.venugopal,

Chetty Higher Secondary School,

rep.by its Secretary,

No.1, Rotler Street, Choolai,

Chennai - 600 112.

... Petitioner

vs.

1. Director of School Education,
Chennai - 6.

2. Chief Educational Officer,
Chennai - 15.

3. District Educational Officer,
Chennai (North), Chennai - 8.

4. Government of Tamil Nadu,
rep.by its Secretary,
School Education Department,
Fort St.George,
Chennai - 9.

(R4 impleaded as per order dated 01.02.2011

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing directing the Respondents to sanction one post of Junior Assistant to the Petitioner School considering the request of the petitioner School and recommended by the 3rd Respondent in his proceedings Na.Ka.No.1252/Aa1/2010 dated 23.02.2010 and the proceedings Na.Ka.No.1252/Aa1/2010 dated 16.04.2010.

For Petitioner : Mr.R.Ganesan

For Respondents : Mrs.K.Bhuvaneswari
Government Advocate

ORDER

The petitioner is filed this writ petition seeking direction of mandamus, to sanction one post of Junior Assistant to the petitioner school and recommended by the 3rd respondent in his proceedings Na.Ka.No.1252/Aa1/2010 dated 23.02.2010 and the proceedings Na.Ka.No.1252/Aa1/2010 dated 16.04.2010.

2. It is the case of the petitioner that already this school was upgraded as higher secondary school and the school is in need of one Junior Assistant post. Pursuant to the request made on 12.02.2010 to the District Educational Officer by his letter dated 23.02.2010 recommended to the Chief Educational Officer and subsequently yet another letter dated 16.04.2010 in Na.Ka.No.1252/Aa1/2010. Till date, the Chief Educational Officer has not agreed for the promotion for sanction the post for Junior Assistant. The Government has also pointed out the second respondent to file the counter stating that the petitioner's school is not entitled for the appointment of Junior Assistant. But, the counter filed by the second respondent is totally contrary to the recommendation mentioned supra. The G.O.Ms.No.37 dated 08.02.2007 issued by the Government also sanctioning promotion to fill up the 760 posts of Junior Assistant. In yet another order in G.O.Ms.No.115 dated 30.05.2007 issued by the Educational Department also accedes that 164 Junior Assistant posts to be filled up in all over Tamil Nadu Schools but till date even after lapse of seven years, the respondent has not consider the nature of the requests made by the petitioner's school.

3. Therefore, in the above circumstances, I am inclined to allow this writ petition and a direction will be issued to the second respondent for sanction of the appointment of Junior Assistant to the school, pursuant to the recommendation of the third respondent in his proceedings Na.Ka.No.1252/Aa1/2010 dated 23.02.2010 and the proceedings Na.Ka.No.1252/Aa1/2010 dated 16.04.2010.

4. In the result,
- (a) This writ petition is allowed;
 - (b) There shall be a direction to the 2nd respondent to sanction the post of Junior Assistant to the petitioner;
 - (c) the said exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. Director of School Education,
Chennai - 6.
2. Chief Educational Officer,
Chennai - 15.
3. District Educational Officer,
Chennai (North), Chennai - 8.
4. Government of Tamil Nadu,
rep.by its Secretary,
School Education Department,
Fort St.George,
Chennai - 9.

+1cc to Mr.C.S.Associates, Advocate, S.R.No.47666
+1cc to the Government Pleader, S.R.No.47833

W.P.No.26811 of 2010

CS/27/07/17

सत्यमेव जयते

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