

In the High Court of Judicature at Madras

Dated : 29.06.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P. No.24561 of 2002

Mary Anne Fernandez

...Petitioner

Vs

1. The District Educational Officer
Kuzhithurai.

2. Pius XI Higher Secondary School,
Rep. By Rev.Bishop of Trivandrum,
Bishop's House, Vellai Ambalam,
Trivandrum.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ, order of direction or any other writ in the nature of a Writ of Mandamus, directing the first respondent to approve the petitioner's appointment as Malayalam Science teacher in the second respondent school from 01.06.1991 and issue teachers grant to the petitioner.

For Petitioner : Mr. S.Marimuthu.

For Respondent No.1 : Mr. R.Vijayakumar,
Additional Government Pleader.

For Respondent No. 2 : No appearance

ORDER

The relief sought for in this writ petition is for a direction, directing the first respondent to approve the petitioner's appointment as Malayalam Science Teacher in the second respondent school from 01.06.1991.

2. The facts in a nutshell, required to be considered in this writ petition are that the writ petitioner acquired the qualification of B.Sc., B.ed., and she belongs to MBC of Latin Christian Mukkuvar. The writ petitioner claims that she was appointed as a Malayalam Science teacher as on 01.06.1991, in the vacancy that arose on account of the retirement of one Mr.Oliver Joy. Therefore, the writ petitioner filed this writ

petition on the ground that she was appointed against the sanctioned post and there was no irregularity in her initial appointment and she is entitled for approval of her appointment right from her initial date of appointment i.e., from 01.06.1991.

3. However, there are no materials available before this Court, showing that proposals have been submitted by the second respondent to the competent authority seeking approval of the appointment of the writ petitioner or the same was considered by the competent authorities.

4. In the absence of relevant materials before this Court, regarding the submission of proposals by the school management and the consideration of the same by the competent educational authorities, this Court is not in a position to consider the prayer with regard to the approval of the appointment from the date of initial appointment. Hence, the prayer, as such, sought for in this writ petition cannot be considered. However, it is left open to the management of the second respondent to verify the service records of the writ petitioner and submit a fresh proposal seeking the approval of the appointment along with all the necessary documents to the competent educational authorities, and who, in turn, shall consider the same, in accordance with law.

With this observation the writ petition stands disposed off. No Costs. WMP No 33778 of 2002 is closed.

-s/d-

Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The District Educational Officer
Kuzhithurai.
2. Pius XI Higher Secondary School,
Rep. By Rev. Bishop of Trivandrum,
Bishop's House, Vellai Ambalam,
Trivandrum.

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SS (CO)
sp(12/07/2017)