

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 06.06.2017

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) .No.10485 of 2017**

M/s.Swamy Vivekanandha Vidyalaya  
Higher Secondary School,  
Rep. by its Secretary,  
R.Ramsundar.

..Petitioner

Vs.

1. The Chief Educational Officer,  
Trichy.

2. The District Educational Officer,  
Musiri, Trichy District.

.. Respondents

**PRAYER:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to grant prior permission to fill-up vacancy in the post of B.T. Assistant(Science) by direct recruitment in the petitioner school on the basis of the petitioner's representation, dated 15.02.2017, based on the student strength in the month of August-2016, within a time frame fixed by this Court.

|                 |                                                     |
|-----------------|-----------------------------------------------------|
| For Petitioner  | : Mr.B.Saravanan                                    |
| For Respondents | : Mr.J.Gunaseelan Muthaiah,<br>Government Advocate. |

**O R D E R**

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the first respondent to grant prior permission to fill-up vacancy in the post of B.T. Assistant(Science) by direct recruitment in the petitioner school on the basis of the petitioner's representation, dated 15.02.2017, based on the student strength in the month of August-2016, within a time frame fixed by this Court.

2. Heard, Mr.B.Saravanan, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthaiah, learned Government Advocate appearing for the respondents.

3. Mr.J.Gunaseelan Muthaiah, learned Government Advocate takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.



4. Though the Writ petition is for issuing a Writ of Mandamus to give a positive direction to the first respondent to grant prior permission to fill-up vacancy in the post of B.T. Assistant (Science) by direct recruitment in the petitioner school, based on the students' strength in the month of August-2016, the learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the first respondent to consider the representation of the petitioner, dated 15.02.2017 on merits within the time stipulated by this Court.

5. Having regard to the limited scope of the prayer that is now sought for by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to issue the following direction:-

"The first respondent is directed to consider the representation of the petitioner, dated 15.02.2017, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order."

6. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Educational Officer,  
Trichy.
2. The District Educational Officer,  
Musiri, Trichy District.

+1cc to M/S. B.SARAVANAN, Advocate, SR.No.58753.  
+1cc to Special Government Pleader, SR.No.58808.

ORDER MADE IN  
W.P. (MD) .No.10485 of 2017  
06.06.2017