



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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Writ Petition (MD) No.1383 of 2017
and
W.M.P. (MD) Nos.1138 and 1139 of 2017

C.Jancy Retna Bai

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Chief Educational Office,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
District Educational Office,
Kuzhithurai,
Kanyakumari District - 629 163.

5.The Correspondent,
Higher Secondary School, Mottakkala,
Edaicode Post - 629 152,
Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the files of the 4th respondent pertaining to order bearing Oo.Mu.No.6709/A2/2016, dated 29.11.2016 and to quash the same and consequently direct the respondents to approve the appointment of the petitioner as School Assistant (Science) in the 5th respondent school with effect from the date of appointment that is on 02.06.2014 with all attendant benefits within a stipulated time that may be prescribed by this Hon'ble Court by considering the proposal re-submitted by the 5th Respondent dated 5.12.2016.



For Petitioner
For Respondents

: Mr.S.C.Herold Singh
: Mr.C.Selvaraj
Special Government Pleader

ORDER

This Writ Petition is filed challenging the order dated 29.11.2016 rejecting the approval for the appointment of the petitioner.

2.By the impugned proceedings, certain defects were pointed out and the approval for the appointment was returned to the Correspondent of the school. The petitioner after submitting a letter dated 05.12.2016, re-submitted the proposal to the fourth respondent. While doing so, the petitioner also took a stand that some of the defects in the impugned order are not sustainable and that the previous order returning the papers for approval is not appropriate. However, without prejudice to the contention of the petitioner, the learned counsel for the petitioner submits that the petitioner will be satisfied, if this Court directs the fourth respondent to consider the proposal afresh which was re-submitted on 05.12.2016 in accordance with law and in the light of the representation of the petitioner dated 05.12.2016.

3.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4.Having regard to the limited scope of the submission made on behalf of the petitioner, without expressing any opinion on the merits of the case, this Court is inclined to pass the following orders:

The fourth respondent is directed to consider the proposal for approval which was re-submitted before the fourth respondent on 05.12.2016 on merits and in accordance with law and in the light of the representation of the petitioner dated 05.12.2016, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To



WEB COPY

2. The Director of School Education,
College Road, Chennai - 600 006.

3. The Chief Educational Officer,
Chief Educational Office,
Nagercoil, Kanyakumari District.

4. The District Educational Officer,
District Educational Office,
Kuzhithurai, Kanyakumari District - 629 163.

+One cc to Mr.S.C.Herold Singh, Advocate, SR.No.13513

+One cc to The Special Government Pleader, SR.No.13754

SRM

RL/7C/3P/SKN/RSK/24.3.2017

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