



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.14866 of 2017

and

W.M.P.(MD)Nos.11714 of 2017

The Correspondent,
St.Aloysius Girls Higher Secondary School,
Thoothukudi - 628 001.
Thoothukudi District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. 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,
Thoothukudi, Thoothukudi District.

4.The District Educational Officer,
Thoothukudi, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the fourth respondent District Educational Officer to approve forthwith the appointment of the Tmt.A.Hemalatha as BT Assistant (Social Science) in petitioner's School w.e.f., the date of appointment viz., 01.06.2016 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.K.Prabhu

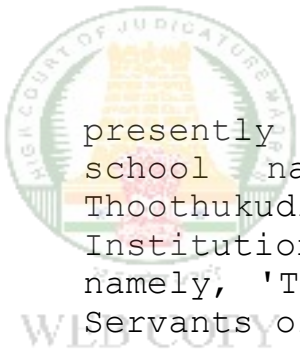
For Respondents : Mr.D.Muruganantham

Additional Government Pleader

O R D E R

By consent of both parties, this writ petition itself is taken up for final disposal.

2.The petitioner school has appointed one A.Hemalatha as B.T. Assistant in a sanctioned post which fell vacant on 11.06.2014 due to the promotion of the then incumbent Sr.Anthony Sahaya Vasanthi on 12.06.2014. The said B.T. Assistant, also joined duty and is



presently continuing in the petitioner school. The petitioner school namely, St.Aloysius Girls Higher Secondary School, Thoothukudi is a recognized and aided Minority Educational Institution owned and administered by the registered society namely, 'The Society of the Congregation of the Mother of Sorrows Servants of Mary, Chennai.

3.After the appointment of one A.Hemalatha as B.T. Assistant, a proposal was sent to the fourth respondent / District Educational Officer, Thoothukudi, requesting to approve the appointment of Tmt.S.Lilly, with effect from 01.06.2016 and also discharge the grant in aid towards her salary. The fourth respondent returned the proposal vide proceedings in O.Mu.No.4192/Aa4/2016 dated Nil.09.2016, pointing out certain deficiencies and instructed the said School to comply with the deficiencies immediately. The petitioner school also submitted a fresh proposal to the fourth respondent on 05.10.2016, after rectifying all the deficiencies. But still the respondents have not come forward to consider the proposal. As a result, the B.T. Assistant one A.Hemalatha, is unable to receive her salary. Therefore, the petitioner has come before this Court seeking a direction to consider the proposal sent to the fourth respondent.

4.Considering the limited scope of the prayer sought for by the Writ Petitioner, this Court directs the fourth respondent to consider the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Secretary, State of Tamil Nadu,
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, Thoothukudi, Thoothukudi District.
 - 4.The District Educational Officer, Thoothukudi,
Thoothukudi District.
- +1CC to Mr.K.Prabhu, Advocate, SR.No. 72146
+1CC to the Special Government Pleader SR.No.71983

W.P. (MD) No.14866 of 2017