



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.16625 of 2017

The Karapettai Nadar Higher Secondary School,
Rep. by its Secretary,
Mr.N.T.Selvaraj,
Tuticorin - 628 001.
Tuticorin District.

: Petitioner

Vs.

1. The Joint Director of School Education,
D.P.I. Campus, College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Tuticorin, Tuticorin District.

3. The District Educational Officer,
Tuticorin, Tuticorin District.

: Respondents

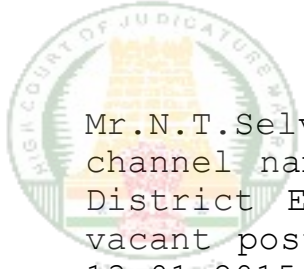
PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to dispose the appeal preferred by the petitioner dated 28.07.2016 in light of the judgment of this Court in Deva Asir Vs. the Secretary to Government, order dated 15.03.2016 within the time period stipulated by this Court.

For Petitioner : Mr.S.Louis
for Mr.T.Lajapathi Roy

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

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



Mr.N.T.Selvaraj, has sent an appeal on 28.07.2016, through proper channel namely, the Chief Educational Officer, Tuticorin and the District Educational Officer, seeking permission to fill up the vacant post of Office Assistant in the school that fell vacant on 13.01.2015 on account of the retirement of the previous incumbent Mr.S.Ariyuputhiran, who retired on 12.01.2015. Finding no response, the school committee in its meeting held on 29.07.2016, taking note of the fact that there is no ban for filling up of the non-teaching posts, submitted another proposal on 09.07.2015, to the third respondent for the purpose of appointing the office Assistant.

3.But, the third respondent returned the earlier request made by the petitioner on 09.07.2015, seeking permission to fill up the post vide proceedings in O.Mu.No.441/Aa2/2015 dated 10.02.2016 (signed on 24.02.2016). Hence, the petitioner school preferred an appeal on 28.07.2016 before the first respondent. Since, the appeal filed by the petitioner school on 28.07.2016 against the order passed by the third respondent dated 10.02.2016 before the first respondent is pending consideration, the petitioner has come to this Court with the present Writ Petition.

4.The learned Additional Government Pleader, appearing for the respondents sought sufficient time to consider the pending appeal.

5.Considering the limited scope of the prayer sought for by the petitioner, this Court without going into the merits of the matter hereby directs the first respondent to consider the appeal filed by the petitioner dated 28.07.2016 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.The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Joint Director of School Education,
D.P.I. Campus, College Road,
Chennai - 600 006.

<https://hcservices.courts.gov.in/Hcservices>
2. The District Educational Officer,
Tuticorin, Tuticorin District.



3. The District Educational Officer,
Tuticorin, Tuticorin District.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 76707

+1 cc to The Special Government Pleader in SR.No.76565

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