

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition Nos.3206 of 2018
and
WMP Nos.3942 and 3943 of 2018

Mrs.R. Geetha

.... Petitioner

vs.

- 1.The Government of Tamil Nadu rep by
its Secretary,
Department of School Education,
Fort St. George, Chennai - 9
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 6
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thiruvarur District.
4. The District Educational Officer,
The Office of the District Educational Officer,
Thiruvarur
5. The Correspondent,
St. Theresa's Girls Higher Secondary School.
Thiruthuraipoondi
Thiruvarur District 614 713

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 06.06.2016 in O.Mu.No.4292/A3/2016 on the file of the fourth respondent and quash the same and directing the respondents to accord approval to the appointment of the petitioner R. Geetha, working as Scavenger (Part-time) in St. Theresa's Girls Higher Secondary School, Thiruthuraipoondi, Thiruvarur Dt - 614 713 with effect from 02.01.2016 with all monetary and other service benefits.

For petitioner : Ms.A. Arul Mary

For respondents : Mrs.P. Rajalakshmi
AGP

ORDER

Mrs.R. Geetha, who was appointed as Scavenger (Part-Time) in St.Theresa's Girls Higher Secondary School, Thiruthuraipoondi, Thiruvarur District, the fifth respondent herein, with effect from 02.01.2016, has come to this court, seeking writ of Certiorarified Mandamus to call for the relating to the return of proposal dated 06.06.2016 made by the District Educational Officer, Thiruvarur.

2. The learned counsel for the petitioner submitted that the fifth respondent school was already sanctioned with the post of Scavenger (Part-Time). The Staff Fixation Order dated 29.9.2016 by the Chief Educational Officer, Thiruvarur, has specifically accorded approval of one post of Scavenger (Part-Time). While so, the fourth respondent unreasonably returned the proposal refusing to accord the proposal of Scavenger (Part Time), as a result, the fifth respondent School, having 4000 students are not even able to effectively make use of bath rooms, rest rooms and toilets. Moreover, the fifth respondent school has been requesting the petitioner, who was appointed as Scavenger (Part Time) to work continuously and advising her to get her salary immediately on approval of appointment.

3. The proposal sent by the fifth respondent clearly shows that the petitioner Mrs.R. Geetha was appointed in a sanctioned vacancy on account of the death of the previous incumbent Tmt.K. Rathinam, who died on 17.02.2007. But knowing fully well, the petitioner was appointed only in the sanctioned vacancy on account of the death of Tmt.K. Rathinam on 17.02.2007 and this has been supported by staff fixation order dated 25.09.2017 passed by the Chief Educational Officer, Thiruvaaur, arbitrarily and unreasonably, the proposal has been wrongly rejected by the fourth respondent and the same is liable to be interfered with a consequential direction to the fourth respondent to approve appointment of the petitioner, without which, the fifth respondent school, having 4000 students, teaching and non-teaching staff would be put to great trouble.

4. The fourth respondent has not even visualised what would happen to the School, if there is no Scavenger appointed regularly to the School, having 4000 students, teaching and non-teaching staff to keep the bath room, and rest room clean. Since the Staff Fixation Order dated 29.09.2016 passed by the Chief

Educational Officer, Thiruvaur has already accorded sanctioned post of Scavenger (Part-Time), this Court finds no impediment to quash the impugned order, which has been passed without application of mind.

5. Accordingly, the impugned order dated 06.06.2016 in O.Mu.No.4292/A3/2016 passed by the fourth respondent is quashed and the writ petition is allowed and the respondents are directed to accord approval to the appointment of the petitioner and release the salary from the date of appointment within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sr

To

- 1.The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 9
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 6
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thiruvaur District.
4. The District Educational Officer,
The Office of the District Educational Officer,
Thiruvaur.

+2cc to Mr.A.Arulmarry, Advocate, S.R.No.11250

+1cc to the Government Pleader, S.R.No.12181

W.P.No.3206 of 2018

RSY(CO)
RRK(14/03/2018)