

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.4333 of 2018

S.Ananda Kumar

... Petitioner

Vs

1. The Chief Educational Officer,
Tiruvallur,
Tiruvallur District.

2.District Educational Officer,
Tiruvallur,
Tiruvallur District.

3.The Administator,
TELC Kabis Higher Secondary School,
Pandur - 631 203,
Tiruvallur Taluk and District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus, directing the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant [Science] with effect from 01.02.2013 by considering the resubmitted proposal by the 3rd respondent on 11.11.2017.

For Petitioner : Mr.P.Ganesan

For Respondents : Mrs.P.Rajalakshmi (for R1 & R2)
Additional Government Pleader

O R D E R

This writ petition has been filed seeking Mandamus directing the District Educational Officer, Tiruvallur/2nd respondent to approve the appointment of the petitioner as B.T.Assistant [Science] w.e.f. 01.02.2013 on the basis of the proposal resubmitted by the 3rd respondent School on 11.11.2017.

2.Heard the parties on both sides.

3.Since the prayer sought in this writ petition lies in a narrow compass, the writ petition is taken for final disposal.

4.The petitioner was appointed as Physical Education Teacher in the 3rd respondent School, which is a minority educational institution on 05.03.2004, in a retirement vacancy on consolidate pay of Rs.3,000/-. Prior to the said appointment, the petitioner has completed B.Sc., Physics in the year 2002, which shows that the petitioner is fully qualified to be promoted as B.T.Assistant [Science]. In the meanwhile, one Ms.T.Arputhamary who was working as Secondary Grade Assistant was promoted as B.T.Assistant [Tamil] on 26.11.2012 and this was also approved by the 1st respondent in his proceedings dated 07.03.2014.

5.As per the policy decision taken by the Government vide G.O.Ms.No.100 School Education Department dated 27.06.2003 and G.O.Ms.No.4 School Education Department dated 19.01.2004 that whenever any Secondary Grade vacancy arose from classes 6 to 10 that vacancy can be automatically upgraded as B.T. Assistant, the petitioner was promoted as B.T.Assistant [Science] on 01.02.2013, in the resultant vacancy of Ms.T.Arputhamary's promotion.

6.In this regard, the 3rd respondent School forwarded the proposal to the 2nd respondent. But, the 2nd respondent returned the proposal raising certain queries. After rectifying queries, proposal was resubmitted. A cursory perusal of the records transpires that while rectifying queries, there were several communications between the 2nd respondent and the 3rd respondent School. But till date, there was no response. As a result, the petitioner who was appointed as B.T.Assistant is unable to receive the salary. Hence, the petitioner is before this Court.

7.Learned Additional Government Pleader appearing for the respondents sought for sufficient time to consider the pending proposal.

8.Since the said proposal has been pending for a long time and the petitioner was appointed as B.T.Assistant [Science] on 01.02.2013, the District Educational Officer, Tiruvallur/2nd respondent is hereby directed to consider the pending proposal and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

gya

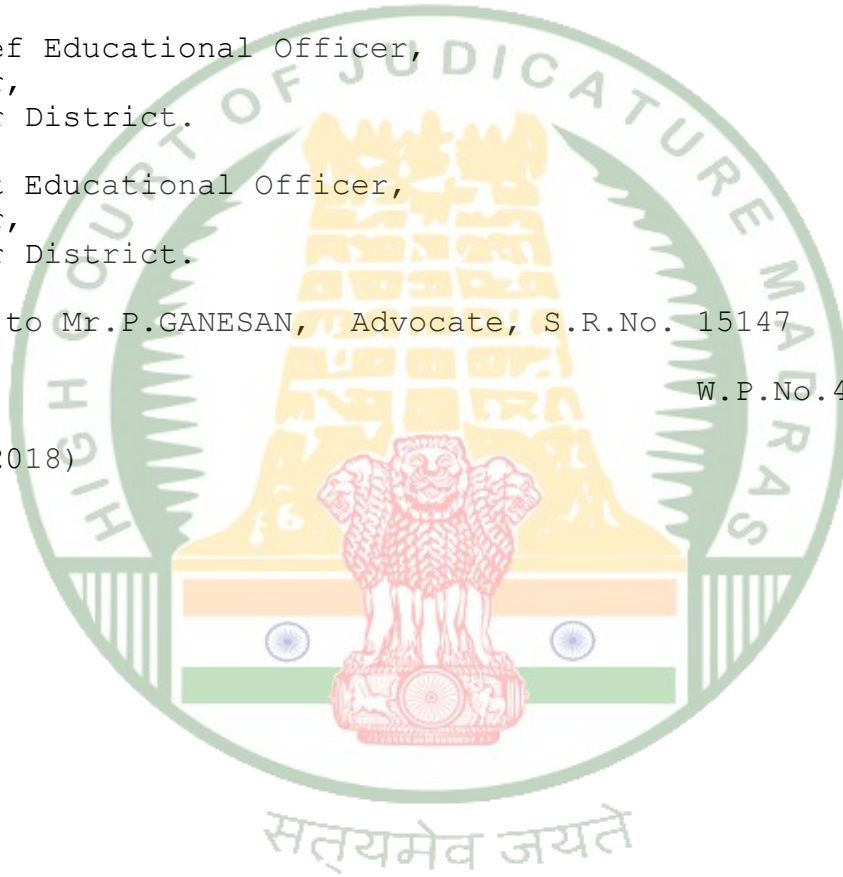
To
1.The Chief Educational Officer,
Tiruvallur,
Tiruvallur District.

2.District Educational Officer,
Tiruvallur,
Tiruvallur District.

+1cc to Mr.P.GANESAN, Advocate, S.R.No. 15147

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TR(20/03/2018)



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