



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI
W.P.No.17208 of 2012 and MP No.1 of 2012

Mrs.Imakulat Arputha Mary Usha

.. Petitioner

Vs

1. The Government of Tamil Nadu,
Rep.by its Secretary,
Education Department,
Chennai-600 002.
- 2.The Director of School Education,
DPI Campus,
College Road,
Chennai-6.
- 3.The Chief Educational Officer,
Erode, Erode District,
- 4.The District Educational Officer,
Gobichettypalayam, Erode District,
- 5.The Bishop and the General Manager,
The Diocese of Ooty.
- 6.St.Michael's High School,
Rep by its Correspondent,
Michael Palayam P.O.,
Anthiyur via,
Erode District-638 501.
- 7.Mr.Maria Stephen
S/o. Glory Maria Ponnusamy,
No.57, A.Michael Palayam Post,
Anthiyur Via, Erode-638 501.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 4th respondent to accord approval to the appointment of the petitioner as B.T.Asst.(Sci.), in St.Michael's High School, Anthiyur via, Erode District-638 501, w.e.f. 01.11.2010 and pay all the monetary and other attendant benefits to the petitioner.

For Petitioner : Mr.R.Manickavel

For Respondents : Mr.P.Raja, GA for R1to R3

Mr.A.Gouthaman for R5 & R6



WEB COPY

ORDER

This writ petition has been filed by the writ petitioner seeking direction to the 4th respondent to approve the appointment of the petitioner in the 6th respondent/ Minority institution under the management of 5th respondent.

2. It is a case of the petitioner that she was regularly appointed as B.T.Assistant (Science) in the school of 6th respondent, a minority aided educational institution having full power of selection of appointment of teachers, on 30.10.2010 in the regular vacancy that arose due to resignation of one Mr.Kesavan as Secondary Grade Teacher which was converted to B.T.Assistant vide G.O.No.100, dated 27.06.2003. According to the petitioner, the said Kesavan, though was working in a Secondary Grade Post, he was handling only Science subject as he had that qualification of B.T.Assistant (Science). Since he resigned in the middle of the academic year and as the 6th respondent School was badly in need of a B.T.Assistant (Science). The respondent no.6 as such on 13.06.2010 made a request to the respondent no.3 to accord permission to appoint a B.T.Assistant (Science) in place Mr.Kesavan, resigned. The respondent, by its proceedings dated 19.04.2011 had also recommended to the 3rd respondent such request for conversion of the Post as Secondary Grade Teacher. Pending approval for conversion of Secondary Grade Post into a B.T.Assistant (Science), the writ petitioner was appointed on 30.10.2010 and he joined in the said post on 01.11.2010. Thereafter, the 6th respondent submitted a proposal for approval of the writ petitioner appointment with effect from 01.11.2010 to the respondent no.3. However, no action being taken on such proposal, the present writ petition seeking a writ of mandamus directing the respondent no.3 to accord approval and release the attended monetary benefit.

3. The same has been countered by the respondents 3 and 4 in the counter affidavit filed with the averments that since appointment of the petitioner was without getting conversion of the post of Secondary Grade Teacher to B.T.Assistant (Science) and the pendency of the writ petition at the instance of private respondent no.7 vide W.P.No.29711 of 2010, wherein an order of stay has been granted, the respondents 3 and 4 were unable to taken a decision on the proposal for approval. However they have justified the competency of 6th respondent to make such appointment of the writ petitioner against the post in question.

4. During the course of hearing of the writ petition, it is brought to the notice of this Court that the writ petition No.29711 of 2010 filed by the 7th respondent has already been dismissed as not pressed vide order dated 30.06.2016. The copy of the same has been produced before this Court today. No appearance for 7th respondent to dispute the same. Considering the fact that the writ petition filed by the 7th respondent has



since been withdrawn, this Court is of the view that there is no impediment herein after on the part respondent no. 4 to consider the proposal for approval of the appointment of the writ petitioner which is pending with it since long. The learned counsel for respondents 3 and 4 fairly conceded that since writ petition filed by 7th respondent has been withdrawn, they will look into the matter and pass an informed and considered order within a reasonable period. The counsel for the respondents 5 and 6 also submitted that the petitioner is appointed i.e., 01.11.2010, but for the lack of approval, she is not getting her entitlement.

5. After hearing learned counsel for parties and going through the undisputed and established facts that the due to interim order passed in the writ petition as aforesaid, respondent no. 4 was unable to take decision on the proposal of approval of appointment of the petitioner, but in the meanwhile, the same has been dismissed as withdrawn, this writ petition stands disposed of with a direction to the respondent no. 4 to take informed and considered decision regarding approval of appointment of the petitioner within six weeks of receipt of this order and communicate the decision of the same to all concerned including the writ petitioner and respondent No.5 & 6. No costs. Consequently connected miscellaneous petition is closed.

sk

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Education Department, Chennai-600 002.

2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.

3.The Chief Educational Officer,
Erode, Erode District,

4.The District Educational Officer,
Gobichettypalayam, Erode District.

+1cc to Mr.A.Gouthaman, Advocate SR.No.11352
+2cc to Mr.R.Manickavel, Advocate SR.no.10779
+1cc to Government Pleader SR.No.11163

sm:27.2.2018

W.P.No.17208 of 2014