

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.22197 of 2018

D.Ishwarya

...Petitioner

Vs.

1.The District Elementary Educational Officer,
Cuddalore.

2.The Additional Assistant Elementary
Educational Officer,
Virudhachalam.

3.The Manager,
Paneerselvam Aided Elementary School,
No.22/43, South Street,
Virudhachalam-606 001,
Cuddalore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to approve the appointment of the petitioner in the cadre of secondary grade teacher with effect from 07.06.2017 by considering the proposal forwarded by the 2nd respondent in his proceedings Na.Ka.No.475/A1/2017 dated 16.06.2017.

For Petitioner : Mr.T.Sellapandian

For Respondents 1 & 2 : Mrs. P.Kavitha
Government Advocate

ORDER

Heard Mr.T.Sellapandian, learned counsel appearing for the petitioner and Mrs.P.Kavitha, the learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2. Considering the nature of relief to be granted herein, this Court is of the view that notice to the third respondent is dispensed with.

2. The case of the petitioner in this Writ Petition is that, she was appointed as Secondary Grade Teacher in the third respondent School on 05.06.2017, as against a sanctioned vacancy. The proposal for approval to her appointment, though has been given by the third respondent, which has been forwarded by the second respondent to the first respondent, but, no action on the same having been taken, though such proposal dates back to 14.06.2017, she has come to this Court seeking a direction to the first respondent to pass an order on such proposal, in accordance with law, within a stipulated period.

3. The learned counsel appearing for the petitioner submits that since the first respondent is duty bound to take a decision on such proposal for approval of appointment of the petitioner, which is pending for more than a year, this Court may issue a writ of mandamus directing the first respondent to consider such proposal within a stipulated period without seeking any reply affidavit, inasmuch as, such proposal is pending.

4. The learned Government Advocate appearing for the respondents 1 and 2, however, submits that, if such proposal for approval of the petitioner's appointment is pending and no decision on the same has been taken as on date, there is no impediment in taking a decision on the same in accordance with law, but, this Court having not examined such proposal on merit and no reply affidavit having been filed, should not put any fetter on the merit of such proposal in any manner.

5. Considering the aforesaid facts and the submissions made, this Court disposes of this Writ Petition at the stage of admission with a direction to the first respondent that if such a proposal for approval of appointment of the petitioner is pending, take an informed and considered decision on the same as permissible under law, if there is no other legal impediment for the same within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The District Elementary Educational Officer,
Cuddalore.

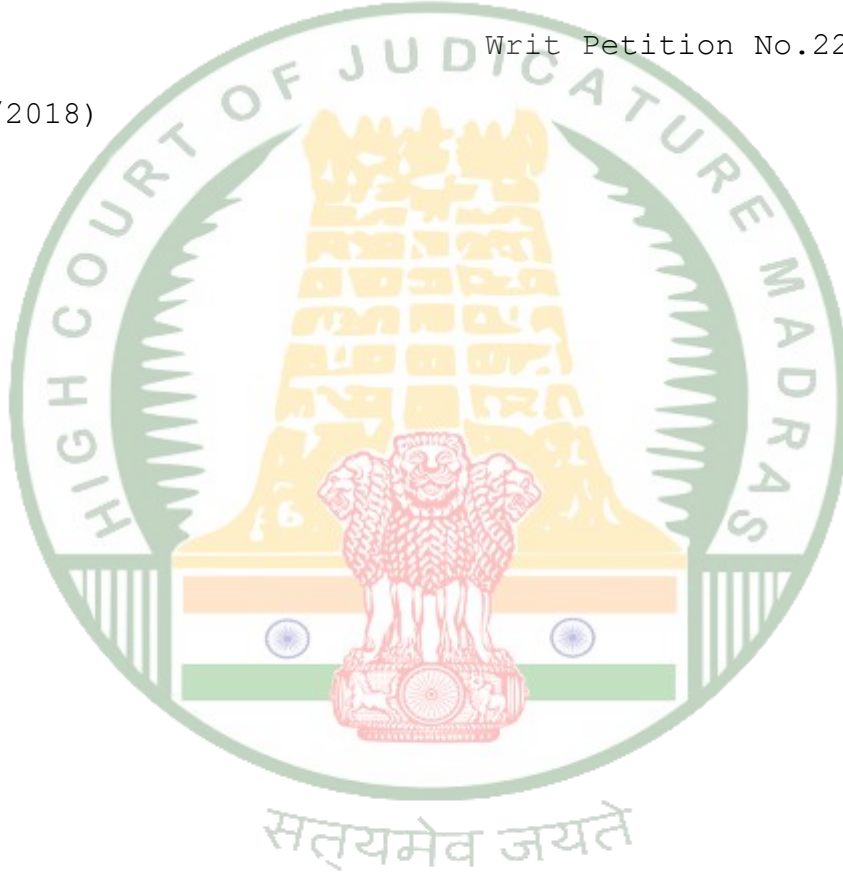
2.The Additional Assistant Elementary
Educational Officer,
Virudhachalam.

3.The Manager,
Paneerselvam Aided Elementary School,
No.22/43, South Street,
Virudhachalam-606 001,
Cuddalore District

+lcc to Mr.T.Sellapandian, Advocate, S.R.No.59523

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GSP(19/09/2018)



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