

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-02-2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2246 of 2018

And

W.M.P.No.2741 of 2018

J.Muthu

..

Petitioner

-vs-

1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai-9.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai-600 006.

3.The District Educational Officer,
The Office of the District Education,
Dharmapuri-5,
Dharmapuri District.

4.The Correspondent,
St. Mary's Higher Secondary School,
Harur-639 603,
Dharmapuri District.

..

Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 10.8.2016 in O.Mu.No.2321/A3/2016, on the file of the third respondent and quash the same, directing the third respondent to accord approval to the appointment of the petitioner, J.Muthu, working as Office Assistant in fourth respondent's school, namely, St. Mary's Higher Secondary School, Harur with effect from 1.7.2014 with all attendant and monetary benefits.

For Petitioner

- Mr.S.M.Edward Stanley

For Respondents-1to3 -

Mr.C.Munusamy,
Special Government Pleader
Assisted by Mrs.P.Rajalakshmi,
Additional Government Pleader.

ORDER

Pursuant to the order of this Court dated 19.2.2018, Mr.P.A.Naresh, Joint Director (Secondary), Directorate of School Education, College Road, Chennai-6 and Tmt.P.Valarmathi, District Educational Officer, Dharmapuri have appeared before this Court.

2. Today, the learned Special Government Pleader, appearing for the respondents 1 to 3, submitted an affidavit filed by the Joint Director of School Education, Chennai, an additional counter-affidavit filed by the third respondent/District Educational Officer, Dharmapuri and stated that the Joint Director of School Education has got highest regard to this Court and has also instructed his Subordinate Officials to follow the directions, as and when issued by this Court, without brooking any delay. The learned Special Government Pleader also submitted that within two weeks from the date of receipt of a copy of this order, the salary of the petitioner will be released, including the arrears from the date of appointment of the petitioner. The further appearance of the Joint Director of School Education and the District Educational Officer are dispensed with.

3. Moreover, there is a direction from the Government in letter Rc.No.8884/D1/2011-2 dated 9.7.2012 to the effect that the Government have constituted a High Level Committee for formation of rules for filling up of Teaching and Non-Teaching sanctioned posts in Government aided educational institutions. Therefore, delay also does not arise for considering the request for filling up of the sanctioned posts. Perhaps, the District Educational Officer, third respondent herein, has misunderstood the abovesaid Government letter and inadvertently stated in paragraph-6 of her counter that there is no instruction.

4. Be that as it may, whether there is any inadvertent mistake committed by the third respondent or not, this Court accepting the additional counter-affidavit filed by the third respondent and the affidavit filed by the Joint Director of School Education and being satisfied with the contentions of the learned Special Government Pleader, the writ petition stands closed. However, there shall be no order as to cost. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Svn

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-600 006.

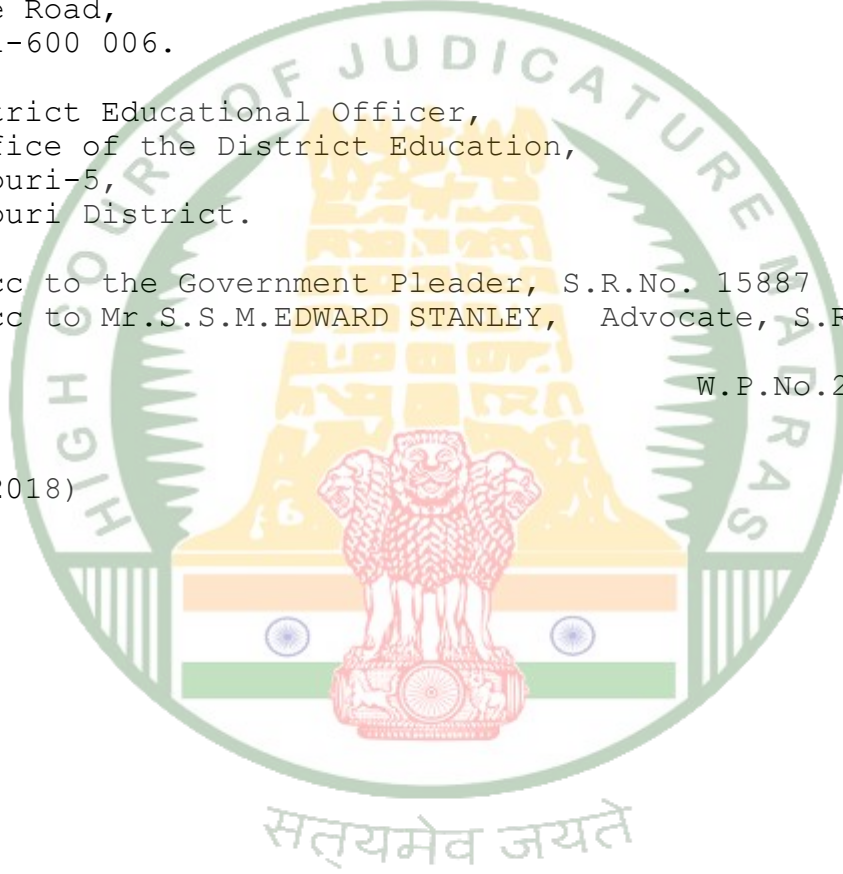
3.The District Educational Officer,
The Office of the District Education,
Dharmapuri-5,
Dharmapuri District.

+1cc to the Government Pleader, S.R.No. 15887

+1cc to Mr.S.S.M.EDWARD STANLEY, Advocate, S.R.No. 15812

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SAI (CO)
TR(14/03/2018)



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