

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

Writ Petition No. 308 of 2017

M.Devi

.. Petitioner

Vs.

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

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

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

4. The District Education Officer,
Gobichettipalayam.

5. The Secretary,
Sakthi Higher Secondary School,
Nachimuthupuram,
Sakthi Nagar,
Erode District-638 315.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the fourth respondent in his proceedings in Na.Ka.No.5642/A2/2015, dated nil.03.2016 and quash the same, consequently direct the fourth respondent to approve the appointment of the petitioner as Junior Assistant with effect from 06.07.2015 and pay the salary continuously.

For Petitioner : Mr.K.Sathish Kumar
For Respondents : Mrs.P.Kavitha (R1 to R4)
Government Advocate
No appearance (R5)

O R D E R

This Writ Petition has been filed to call for the records relating to the fourth respondent in his proceedings in Na.Ka.No.5642/A2/2015, signed on 04.03.2016 and quash the same, consequently direct the fourth respondent to approve the appointment of the petitioner as Junior Assistant with effect from 06.07.2015 and pay the salary continuously.

2. The grievance of the petitioner is that though she was duly appointed by the fifth respondent, by an order dated 04.07.2015, the approval for her appointment was rejected by the fourth respondent vide proceedings in Na.Ka.No.5642/A2/2015 signed on 04.03.2016, indicating that the same shall be considered after disposal of W.P.No.23596 of 2015, filed by one Nallasamy challenging the appointment of the petitioner. Hence, the petitioner has come before this Court, seeking to quash the said order of the fourth respondent and also seeks for a direction to the fourth respondent to approve the appointment of the petitioner as Junior Assistant with effect from 06.07.2015 and to pay the salary continuously.

3. The learned counsel appearing for the petitioner would submit that the said Writ Petition has already been disposed of and the petitioner therein filed an appeal which is pending before the Chief Educational Officer, the third respondent herein. In such premises, he prays that the order of the fourth respondent be quashed and the relief as prayed for by the petitioner may be granted.

4. The learned Government Advocate appearing for the respondents would submit that since one Nallasamy has challenged the order of appointment, the case of the petitioner shall be considered only after disposal of the appeal.

5. The order of appointment of the petitioner is in challenge before the appellate authority. The approval of appointment of the petitioner is dependant on the same. Therefore, the contention advanced by the counsel for the State appears to have substance. Hence, I am not inclined to interfere with the order passed, moreso, in view of the submission by the counsel for the State. But, it is directed that the petitioner be given chance, if not already given, in the appeal filed by said Nallasamy and the appeal be disposed of expeditiously preferably within a period of six weeks from the date of receipt of a copy of this order, it there is no other

legal impediment. After disposal of such appeal, a final decision be taken on the approval of the appointment of the petitioner with utmost expedition.

With the above said directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

arr

To

1. The Government of Tamil Nadu,
Rep by its Secretary,
School Education Department,
St. George Fort,
Chennai-9.
2. The Director of School Education,
College Road,
Chennai-6.
3. The Chief Educational Officer,
Erode District, Erode.
4. The District Education Officer,
Gopi Chettipalayam.

+1cc to Mr.K.Sathishkumar, Advocate SR.No.74578
+1cc to Mr.*, Advocate SR.No.
+1cc to Government Pleader SR.No.75298

Writ Petition No. 308 of 2017

VGII (CO)

GMV (03/12/2018)

WEB COPY