



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P. (MD) No.1993 of 2018

Everest Mariyappa Nadar Higher,
Secondary School,
Rep. by its Secretary,
Jothi Nagar, Kovilpatti,
Tuticorin District.

...Petitioner

-Vs-

The District Educational Officer,
Kovilpatti, Tuticorin District.

..Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent herein to approve forthwith the appointment of M.Panchavarnam as Sweeper-cum-scavenger (Full time) in the petitioner-school from 11.09.2017 onwards with salary and other attendant benefits.

For Petitioner : Mr.E.V.N.Siva

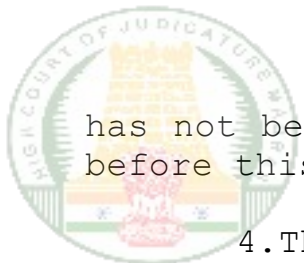
For Respondent : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to direct the respondent herein to approve the appointment of M.Panchavarnam as Sweeper-cum-scavenger (Full time) in the petitioner school from 11.09.2017 onwards with salary and other attendant benefits.

2.Heard Mr.E.V.N.Siva, learned counsel, appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader, appearing for the respondent.

3.The petitioner school claims to approve the appointment of one Panchavarnam as Sweeper-cum-Scavenger (Full time) in the petitioner school from 11.09.2017 onwards and seeking approval of the respondent. A proposal had been sent to the respondent on 03.10.2017 and a reminder also sent to the respondent on 02.01.2018, the same



has not been approved so far. Therefore, the petitioner school is before this Court.

4. The learned Additional Government Pleader, appearing for the respondent, would submit that admittedly the proposal, dated 03.10.2017 was sent by the petitioner school. The respondent, on considering the same, by proceedings dated 12.02.2018, had directed the petitioner to submit with certain further documents as well as some clarifications. Even though, such documents and clarifications were sought by the respondent as early as on 12.02.2018, the same has not been complied with by the petitioner. Hence, the proposal of the petitioner cannot be considered by the respondent.

5. For the said proceedings dated 12.02.2018, the learned counsel for the petitioner would submit that this proceedings would have been issued to the petitioner subsequent to filing of this Writ Petition and at any rate, now the additional particulars and clarification has been sought for by the respondent, for which the petitioner is bound to submit the same within the time frame, hence, the learned counsel for the petitioner would submit that certainly the petitioner school would submit the same shortly and on submitting of the same, the said proposal can be considered and orders to that effect can be passed by the respondent.

6. In view of the said submission made by the learned counsel for the petitioner and after taking into account the proceedings issued by the respondent on 12.02.2018, this Court is inclined to pass the following order:-

"that the petitioner school shall comply with the requirements sought by the respondent vide proceedings in Na.Ka.No. 4344/Aa1/2017, dated 12.02.2018 within a period of two weeks from the date of receipt of a copy of this order and on receipt of such submission from the petitioner, the respondent shall consider the same and pass orders, with regard to approval of the non-teaching staff i.e., sweeper -cum-scavenger, within a period of four weeks, thereafter and orders to that effect shall be communicated to the petitioner school."

7. With the above directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

The District Educational Officer,
Kovilpatti, Tuticorin District.

+ 1 cc TO Mr.E.V.N.Siva , Advocate in SR No. 63191

+ 1 cc TO The Special Government Pleader in SR No. 63015

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AE/RSK/SAR3/02.05.2018/3P/4C

W.P. (MD) No.1993 of 2018
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