



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.02.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD).No.516 of 2018
and
W.M.P.(MD).No.512 of 2018

West Tirunelveli Higher Secondary School,
Nallur-627 853,
Represented by its
Correspondent,
Mr.M.Manoj

...Petitioner

Vs.

1.The Secretary,
Department of School Education,
State of Tamil Nadu,
Secretariat, Fort. St.George, Chennai-9.

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

3.The Chief Educational Officer, Tirunelveli.

4.The District Educational Officer, Tenkasi,
Tirunelveli District. ...Respondents

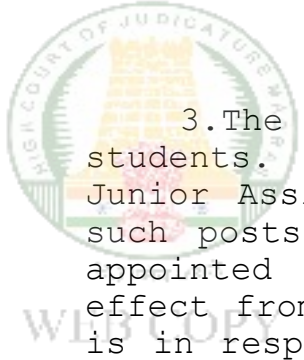
PRAYER: This petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the third respondent in his proceedings in Na.Ka.No.7510/A2/2017 dated 23.10.2017 and the subsequent order passed by the fourth respondent in his proceedings in A.Thi.Mu.No.3355/A3/17 dated 25.10.2017 and quash the same as illegal and consequently directing the respondents to approve the appointment of Mr.J.Jebastine Raja Kumar as Junior Assistant from the date of his appointment on 04.08.2017 and to pay all the service and monetary benefits within stipulated time.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.



3.The petitioner is a Aided School. It has a strength of 2,547 students. If the student strength is above 1000 in number, two Junior Assistants can be appointed. Admittedly, in this case two such posts have already been sanctioned. The petitioner has now appointed one J.Jebastine Raja Kumar, as Junior Assistant with effect from 04.08.2017. It is not in dispute that his appointment is in respect of a sanctioned vacancy. It is also not in dispute that the appointee is having necessary qualifications required for the said post. Therefore, the authority is not justified in returning the proposal submitted by the school/management. The order returning the proposal is quashed.

4.The fourth respondent is directed to approve the appointment of J.Jebastin Raja Kumar as Junior Assistant with effect from 04.08.2017 and disburse all the monetary and consequential benefits without any further delay.

5.This Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government of Tamil Nadu,
Department of School Education,
Secretariat, Fort. St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus, Chennai-6.
- 3.The Chief Educational Officer, Tirunelveli.
- 4.The District Educational Officer, Tenkasi,
Tirunelveli District.

+1cc to M/S.T.A.Ebenezer, Advocate SR.No. 47739

+1cc to Special Government Pleader, SR.No. 48634

ORDER MADE IN
W.P. (MD).No.516 of 2018
12.02.2018

tsg
JM/SKN RSK/SAR 2/14.03.2018/2P/7C