



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8412 of 2018

and

W.M.P. (MD) No.7956 of 2018

S.Jerlin Sutha

... Petitioner

-Vs-

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

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

3. The Chief Educational Officer,
Kanyakumari District,
At Nagercoil.

4. The District Educational Officer,
Kuzhithurai,
Kanyakumari District-629 175.

5. C.S.I.V.V.Girls High School,
Represented by its Correspondent,
Irenipuram, Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner in the post of B.T. Assistant (Science) from the date of appointment that is on 01.02.2018 based on the proposal forwarded by the 5th respondent by its proceedings in letter No.103/2018/2018 dated 01.02.2018 and consequently direct the respondents to disburse monetary and other attendant service benefits, including payment of arrears of salary with interest within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For R1 to R4 : Mr.D.Muruganantham,

Additional Government Pleader.

ORDER

The prayer sought for in the writ petition is for a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner in the post of B.T. Assistant (Science) from the date of appointment i.e., on 01.02.2018 based on the proposal forwarded by the 5th respondent by its proceedings in letter No.103/2018/2018 dated 01.02.2018 and consequently direct the respondents to disburse monetary and other attendant service benefits, including payment of arrears of salary with interest within a time frame that may be fixed by this Court.

2. Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader, who accepts notice on behalf of the respondents. Since no adverse order is going to be passed against the 5th respondent, notice to the 5th respondent is dispensed with.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner would submit that the petitioner was appointed at the 5th respondent school as B.T. Assistant (Science) on 01.02.2018. On such appointment, the petitioner has been working at the 5th respondent school.

5. The 5th respondent school with relevant documents had submitted the proposal on 01.02.2018 itself in Letter No.103/2018/2018 to the 4th respondent. Though the said proposal was already submitted in proper format with all documents, the same so far has not been considered by the 4th respondent. Therefore, the learned counsel for the petitioner would submit that if a direction is given to the respondents to consider the proposal with regard to the appointment of the petitioner sent by the 5th respondent on 01.02.2018 and an order to that effect is directed to be passed, the petitioner would be satisfied.

6. I have heard Mr.D.Muruganantham, learned Additional Government Pleader, who would submit that in this regard the proposal claimed to have been submitted on 01.02.2018, the same has to be considered as to whether the post, wherein the petitioner was appointed, was a sanctioned post. At any rate, such consideration will be shown and an order to that effect would be passed within a time frame to be fixed by this Court.

7. Considering the said submissions made by both sides, this Writ Petition is disposed of with following direction:-

<https://hcservices.ecourts.gov.in/hcservices/> There shall be a direction to the 4th respondent to consider the proposal sent by the 5th respondent regarding the appointment of the



petitioner as B.T. Assistant (Science) on 01.02.2018 on merits and in accordance with law and pass orders thereon, within a period of six weeks from the date of receipt of a copy of this order."

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No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Joint Director of School Education (Secondary),
DPI Campus, College Road,
Chennai-600 006.
3. The Chief Educational Officer,
Kanyakumari District,
At Nagercoil.
4. The District Educational Officer,
Kuzhithurai,
Kanyakumari District-629 175.

+ 1 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 61960

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 62196

MYR

TE/KKR/SAR-1 : 10/05/2018 : 3P/7C

W.P (MD) No.8412 of 2018
18.04.2018