

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.04.2018****CORAM:**

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.9617 of 2018

O.Abila

... Petitioner

-Vs-

1. The Director of School Education,
College Road, Nungambakkam,
Chennai-6.
2. The Chief Education Officer,
O/o. The Chief Education Officer,
Nagercoil, Kanyakumari District.
3. The District Education Officer,
O/o. The District Education Officer,
Nagercoil,
Kanyakumari District.
4. The Correspondent,
Home Church Girls High School,
Nagercoil-629 001,
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, to direct the third respondent to pass orders on the appeal dated 09.12.2017 submitted by the fourth respondent as against the staff fixation order in Na.Ka.No.4991/Aa5/2017, dated 18.10.2017, served on the fourth respondent School on 04.12.2017, within the time stipulated by this Court.

For Petitioner

: Mr.S.Louis

For Respondents 1 to 3

: Mr.K.Saravanan

Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, to direct the third respondent to pass orders on the



appeal dated 09.12.2017 submitted by the fourth respondent as against the staff fixation order in Na.Ka.No.4991/Aa5/2017, dated 18.10.2017, served on the fourth respondent School on 04.12.2017, within a time stipulated by this Court.

2. Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3.

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 as a Junior Assistant at the fourth respondent School on 02.01.2018 and the appointment proposal was sent for approval to the third respondent on 27.03.2018. The said proposal is pending with the third respondent and the petitioner seems to have understood that the said proposal may not be considered because the staff fixation order was already passed in respect of fourth respondent school on 16.10.2017. Aggrieved over the same, the fourth respondent school had already filed an appeal by way of review to the very same third respondent as directed on 09.12.2017 and the said appeal is yet to be decided and is pending before the third respondent.

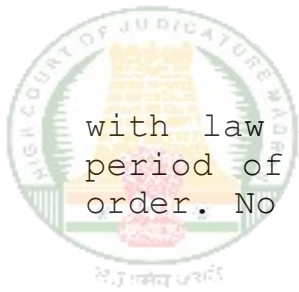
5. Only in that circumstances, the petitioner has come out with this writ petition seeking a direction from this Court to direct the third respondent to decide the appeal filed by the fourth respondent dated 09.12.2017.

6. Though the petitioner was appointed as a Junior Assistant at the fourth respondent school, his grievance is only in respect of his appointment proposal pending before the third respondent for approval and not beyond that. However, by stepping into the shoes of the fourth respondent Management, the petitioner has filed this writ petition with the aforesaid prayer.

7. In that circumstances, the learned counsel appearing for the petitioner would submit that the petitioner would confine his prayer that his appointment proposal sent by the fourth respondent dated 27.03.2017 may be directed to be considered and an order to that effect is directed to be passed on merits and in accordance with law, within a time frame that may be stipulated by this Court.

8. In view of the present relief as sought for by the learned counsel appearing on behalf of the petitioner, which is innocuous in nature, this Court is inclined to dispose this writ petition with the following direction:-

"That the proposal submitted by the fourth respondent in respect of his appointment made to the petitioner as Junior Assistant at the fourth respondent School dated 27.03.2018 shall be considered by the third respondent on merits and in accordance



with law and an order to that effect shall be passed within a period of six weeks from the date of receipt of a copy of this order. No costs."

WEB COPY

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
College Road, Nungambakkam,
Chennai-6.
2. The Chief Education Officer,
O/o. The Chief Education Officer,
Nagercoil,
Kanyakumari District.
3. The District Education Officer,
O/o. The District Education Officer,
Nagercoil, Kanyakumari District.

- +1. C.C. to Mr.S.Louis, Advocate SR.No.63844
+1. C.C. to The Special Government Pleader, SR.No.64222

W.P (MD) No.9617 of 2018
26.04.2018

rmk/RR
PK/CSL/SAR-4/01.06.2018 :3P/6C