



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.07.2018
CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.15805 of 2018
and
W.M.P. (MD) .No.14160 of 2018

The Correspondent,
St.Mary's Tope Middle School,
Tiruchirapalli 620 002
Tiruchirapalli District.

... Petitioner

- Vs-

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

2) The Chief Educational Officer,
Tiruchirapalli, Tiruchirapalli District.

3) The District Educational Officer,
Previously the DEEO
Tiruchirapalli,
Tiruchirapalli District.

4) The Block Educational Officer,
Previously the AAEEEO,
Trichy Urban, Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent District Educational Officer to approve forthwith the appointment of S.Nithya as Secondary Grade Teacher in the petitioner school and disburse salary and allowances w.e.f. the date of appointment viz., 27.06.2016.

For Petitioner : Mr.M.J.Shabu Jose
for M/s.Issac Chambers

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

ORDER

The prayer sought for in the Writ Petition is for a Writ of Mandamus directing the 3rd respondent District Educational Officer to approve forthwith the appointment of S.Nithya as Secondary Grade Teacher in the petitioner school and disburse salary and allowance w.e.f. the date of appointment viz., 27.06.2016.



2. Heard Mr.M.J.Shabu Jose, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3. The petitioner is an aided minority School. In the petitioner School, there was a post of Secondary Grade Teacher vacant, wherein, one S.Nithya was appointed on 27.06.2016 and after the said appointment, necessary proposal for approval of the said appointment was sent by the respondents on 02.07.2016. Thereafter, certain queries have been raised and certain clarifications were sought for by the respondents and after rectifying the queries and giving clarifications sought for, the proposal was once again resubmitted on 03.11.2017. Though such a re-submission was made as early as on 03.11.2017, so far, no orders have been passed. Hence, the petitioner is before this Court with the aforesaid prayer.

4. I have heard Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents, who would submit that, the said resubmitted proposal of the petitioner School dated 03.11.2017 would be considered on merits and necessary orders would be passed and if the Teacher so appointed was otherwise eligible to be appointed for the said post, certainly, the said proposal would be considered by the respondents and an order shall be passed on merits and in accordance with law, within a time frame that may be stipulated by this Court.

5. Considering the submissions made by both sides, and taking into account the limited scope of the Writ Petition, this Court is inclined to pass the following orders:

"that the third respondent is directed to consider the resubmitted proposal of the petitioner School dated 03.11.2017 with regard to the appointment of one S.Nithya as Secondary Grade Teacher in the petitioner School on 27.06.2016 and while making such consideration, if the respondents found that such appointment made was in order and the Teacher so appointed is eligible to be appointed, then, such necessary orders for granting approval for such appointment by the respondents shall be made and orders shall be passed within a period of four weeks from the date of receipt of a copy of this order."

6. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD).No.14160 of 2018 is closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/



To

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

2) The Chief Educational Officer,
Tiruchirapalli, Tiruchirapalli District.

3) The District Educational Officer,
Previously the DEEO
Tiruchirapalli, Tiruchirapalli District.

4) The Block Educational Officer,
Previously the AAEEEO, Trichy Urban, Trichy.

+1CC to M/s. Issac Chambers, Advocate, SR.No.74223

Order made in
W.P. (MD) No.15805 of 2018
19.07.2018

STS

ES/SKN/RSK/SAR 1/01.11.2018/3P/6C