



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2018

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CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.15804 of 2018
and
W.M.P. (MD) .No.14159 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.
- 2) The Chief Educational Officer,
Tiruchirapalli, Tiruchirapalli District.
- 3) The District Educational Officer,
Previously the DEEO
Tiruchirapalli,
Tiruchirapalli District.
- 4) The Block Education 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 Ms.M.Arularasi as B.T. Assistant (English) in the petitioner school and disburse salary and allowance w.e.f., the date of appointment viz., 27.06.2016.

For Petitioner : Mr.M.J.Shabu Jose

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

O R D E R

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 Ms.M.Arularasi as B.T. Assistant (English) 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, where, as per the sanctioned strength, there was a post of B.T. Assistant (English) vacant, wherein one M.Arularasi was appointed on 27.06.2016 and after her appointment, necessary proposal for approval of the said appointment has been sent by the petitioner to the respondents on 27.06.2016. Thereafter, certain clarifications were sought for and certain queries have been raised. After rectifying the same, the proposal was once again resubmitted on 03.11.2017 to the respondents. However, so far, no orders have been passed on such resubmitted proposal and therefore, the petitioner is before this Court with this Writ Petition.

4. I have heard Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents, who would submit that, if the said resubmitted proposal dated 03.11.2017, appointing one M.Arularasi as B.T. Assistant (English) was in order and if the Teacher was otherwise eligible to be appointed for the said post, certainly, the said proposal would be considered by the respondents and an order would be passed on merits and in accordance with law, within a time frame that may be stipulated by this Court.

5. Considering the limited scope of the prayer and taking into account the submissions made by both sides, 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 03.11.2016 with regard to the appointment of one Ms.M.Arularasi as B.T. Assistant (English) on 27.06.2016 in the petitioner School and pass orders thereon on merits and in accordance with law and if the said appointment is found to be in order and the Teacher so appointed is found eligible to be appointed in the said post, the order granting approval to such appointment shall be passed by the respondents 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.14159 of 2018 is closed.

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Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-I)

To

- 1) The Director of School Education,
College Road, Chennai.
- 2) The Chief Educational Officer,
Tiruchirapalli, Tiruchirapalli District.
- 3) The District Educational Officer,
Previously the DEEO,
Tiruchirapalli,
Tiruchirapalli District.
- 4) The Block Education Officer,
Previously the AAEEEO,
Trichy Urban, Trichy.

+ 1 CC TO M/s.ISSAC CHAMBERS, IN SR No. 74222

STS

TE/SKN/SAR-1 : 12/10/2018 : 3P/6C

Order made in
W.P. (MD) No.15804 of 2018
19.07.2018