



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.17153 of 2018
and
W.M.P(MD) No.15085 of 2018

A.R.Subha,
Junior Assistant,
S.M.R.V. Higher Secondary School,
Vadasery, Nagercoil - 629 001
Kanyakumari District

... Petitioner

Vs

- 1) The State of Tamil Nadu
Rep., by its Secretary,
Department of School Education,
Fort St. George, Chennai 600 009
- 2) The Director of School Education,
College Road, Chennai 600 006
- 3) The Chief Educational Officer,
Kanyakumari District,
Nagercoil 629 001
- 4) The District Educational Officer,
Nagercoil, Kanyakumari District.
- 5) The Secretary,
S.M.R.V. Higher Secondary School,
Vadasery, Nagercoil - 629 001
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 4th respondent District Educational Officer to approve forthwith the appointment of the petitioner as Junior Assistant in the 5th respondent school w.e.f. 14.03.2014 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mrs.S.Srimathy,

Special Government Pleader.

**ORDER**

The prayer sought for in this Writ Petition is for a Writ of Mandamus directing the 4th respondent District Educational Officer to approve forthwith the appointment of the petitioner as Junior Assistant in the 5th respondent school w.e.f. 14.03.2014 with all attendant benefits including arrears of salary and allowances.

2. Heard Mr.S.Xavier Rajini, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. Learned counsel appearing for the petitioner would submit that, in the fifth respondent School, the petitioner was appointed as Junior Assistant by order dated 03.03.2014, in the vacancy caused on compassionate ground by the death of the petitioner's father, who died in harness.

4. From the date of appointment, the petitioner has been working as Junior Assistant under the fifth respondent School. The School has sent the proposal for approval of the said appointment on 14.03.2014. On 18.02.2016, the second respondent/ Director has issued a communication that, the said proposal sent by the fifth respondent School is under consideration. Thereafter, on 13.11.2017, the third respondent has sent a reminder to the second respondent that, the said proposal sent by the fifth respondent School, for appointment of the petitioner can be considered and orders can be passed by the second respondent.

5. In spite of all these developments, the petitioner's appointment has not so far been approved and the petitioner has been working all along since 14.03.2014, without salary and therefore the petitioner has approached this Court with the present Writ Petition.

6. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents, who would submit that, the said proposal sent by the fifth respondent School as forwarded by the CEO concerned, would be considered and orders would be passed thereon on merits and in accordance with law, by the second respondent within the time frame stipulated by this Court.

7. In view of the said developments, since the proposal for the appointment of the petitioner in the sanctioned vacancy on compassionate ground in the fifth respondent School has been forwarded by the third respondent to the second respondent and a reminder has also been sent on 13.11.2017, the second respondent has to pass necessary orders, as the petitioner has been working for all these years without salary.

8. In the result, this Writ Petition is disposed of with the following directions:-



" that the second respondent/ Director of School Education is directed to pass orders on the proposal sent by the fifth respondent School dated 14.03.2014, with regard to the appointment of the petitioner as Junior Assistant on 03.03.2013, as forwarded by the third respondent and pursuant to the reminder sent by the third respondent in ந/க/எண்/2365/அ3/2014 dated 13.11.2017, and pass orders on merits for grant of approval to the said appointment within a period of four weeks from the date of receipt of a copy of this order."

9. However, there shall be no orders as to costs. Consequently, connected W.M.P(MD) No.15085 of 2018 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1) The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai 600 009
- 2) The Director of School Education,
College Road, Chennai 600 006
- 3) The Chief Educational Officer,
Kanyakumari District,
Nagercoil 629 001
- 4) The District Educational Officer,
Nagercoil, Kanyakumari District.

+1cc to Mr.S.Xavier Rajini Advocate SR.No.77120
+1cc to Special Government Pleader, SR.No.77008

Order made in
W.P. (MD) No.17153 of 2018
02.08.2018

STS

<https://hcservices.ecourts.gov.in/hcservices/>

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