



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.23365 of 2017
and
W.M.P(MD)No.19639 of 2017

A.Joseph Suki

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai-9.
2. The Director of School Education,
College Road, Chennai.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.
5. Malakara Syrian Catholic Schools,
Diocese of Marthandam,
Rep by its Correspondent,
Christurajapuram,
Marthandam Post-629 165,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to direct the fourth respondent to approve the appointment of the petitioner as Office Assistant with effect from 08.06.2017 by considering the proposal submitted by the fifth respondent on 13.09.2017 and to disburse all the monetary benefits consequent to the same within the stipulated time that may be fixed by this Court.

For petitioner	: Mr.S.C.Herold Singh
For R-1 to R-4	: Mr.J.Gunaseelan Muthiah Additional Government Pleader
For R-5	: No appearance

**ORDER**

Heard Mr.S.C.Herold Singh, learned Counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the Respondent Nos. 1 to 4.

2. The Writ Petitioner was appointed as a Office Assistant in the fifth respondent School with effect from 08.06.2017. The post in which the writ petitioner was appointed is a sanctioned one. The fifth respondent submitted a proposal on 13.09.2017 to the fourth respondent seeking approval of the said appointment and for disbursement of salary. The said proposal was not acted upon. This inaction on the part of the fourth respondent necessitated filing of the present writ petition by the appointee.

3. It is fairly conceded that the post to which the writ petitioner appointed, is a sanctioned one. The writ petitioner is very much eligible to be appointed to that post. Therefore, there cannot be any impediment for granting approval. No defect in the appointment process was pointed out before me by the learned Additional Government Pleader for the respondents 1 to 4.

4. Therefore, this Court directs the fourth respondent to approve the appointment of the writ petitioner as Office Assistant with effect from 08.06.2017 by accepting the proposal submitted by the fifth respondent on 13.09.2017 and disburse all the monetary benefits within the period of eight weeks from the date of receipt of copy of this order.

5. This Writ Petition is allowed accordingly. No costs. Consequently W.M.P (MD) No. 19639 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai-9.

2. The Director of School Education,
<https://hcservices.ecourts.gov.in/hcservices/>
College Road, Chennai.



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

4. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

+ 1 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 41345
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 42273

KMI

TE/MR/SAR-3 : 01/02/2018 : 3P/7C

ORDER MADE IN
W.P.(MD)No.23365 of 2017 and
W.M.P (MD) No. 19639 of 2017
10.01.2018