

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.10119 of 2013

and

MP No.1 & 2 of 2013

K.Kanagasabai

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Director of School Education,
Chennai 600 006.
2. The Chief Educational Officer,
Tindivanam, Villupuram District.
3. The District Educational Officer,
Tindivanam,
Villupuram District.
4. The Secretary,
National Higher Secondary School,
Tindivanam, Villupuram District.
5. The Head Master,
National Higher Secondary School,
Tindivanam, Villupuram District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of certiorarified Mandamus to call for the records of the 4th respondent in pursuant to the impugned letter dated 05.06.2011 and quash the same and consequently direct the 4th respondent to appoint the petitioner as Office Assistant in the National Higher Secondary School.

For Petitioner : Mrs.Selvi Rajesh

For Respondents : Mr.P.Raja
Government Advocate for R1 to R3

Mr.P.Ganesan for R4

O R D E R

The instant writ petition is one for certiorarified Mandamus challenging the order dated 05.06.2011, by which the petitioner was stopped from doing work and for a direction to the 4th respondent to appoint the petitioner as an Office Assistant in the National Higher Secondary School, Tindivanam, Villupuram District.

2. The petitioner was appointed on compassionate basis pursuant to an order dated 25.08.2008 in the post of helper with a pay of Rs.2,000/- per month. Pursuant to the appointment, the petitioner filed a writ petition No.6206 of 2011 stating that the petitioner has passed 12 th Standard and therefore, he is eligible for being appointed as Office Assistant or Record Clerk or Junior Assistant. This Court by an order dated 05.04.2011 directed the 4th respondent to consider the case of the petitioner and pass necessary orders. The petitioner has been directed not to work by the impugned order. This order itself under challenge in the instant writ petition.

3. The learned counsel for the 4th respondent filed a counter affidavit and specifically stated that the petitioner was appointed as a Helper in the post of one N.Mannar. The petitioner thereafter claimed for appointment to the post of Office Assistant which fall vacant due to the retirement of one Sarangapani. The petitioner was not given the said post. It is specifically stated in the counter that the petitioner expressed his willingness to leave the school and requested to settle his accounts and accordingly, his request was considered and settled his account on 27.06.2011.

4. Heard the learned counsel for the parties.

5. Admittedly, the petitioner was given appointment as a Helper / Night watchman on compassionate basis. Even though, the petitioner's father passed away in the year 1977, job was given to him in the year 2008. The petitioner has no right to claim for appointment as to the post of Office Assistant. In the absence of any right, the prayer as prayed for in the writ petition cannot be granted. This writ petition is dismissed. No cost. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

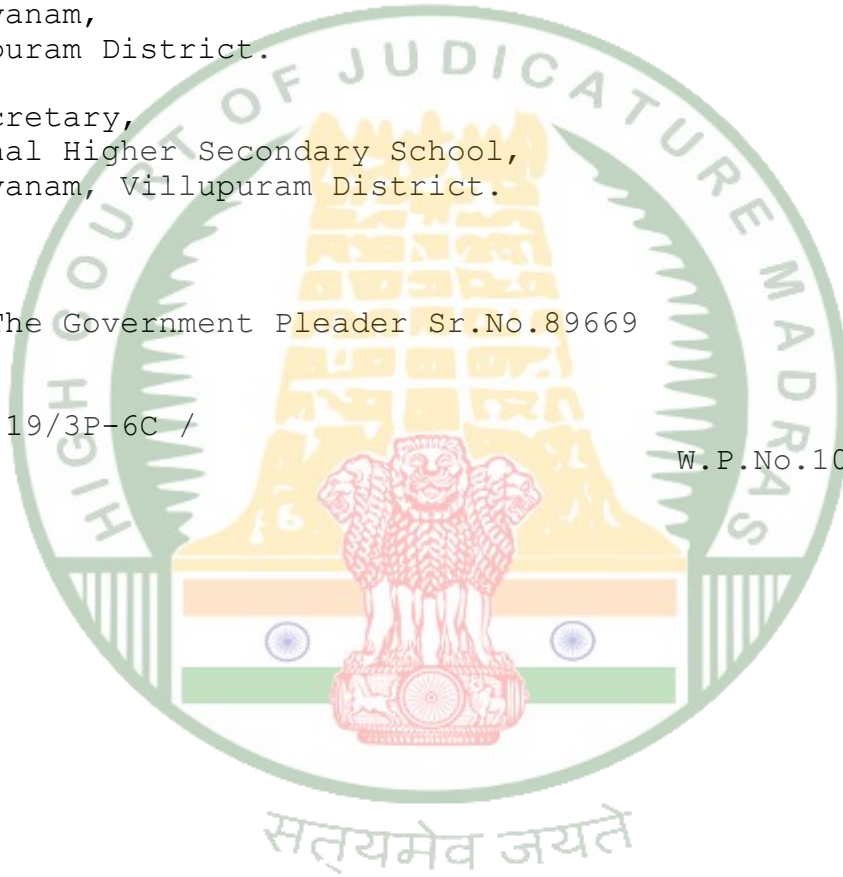
To

1. The Director of School Education,
State of Tamil Nadu,
Chennai 600 006.
2. The Chief Educational Officer,
Tindivanam, Villupuram District.
3. The District Educational Officer,
Tindivanam,
Villupuram District.
4. The Secretary,
National Higher Secondary School,
Tindivanam, Villupuram District.

+1 cc to The Government Pleader Sr.No.89669

AKM/11.12.19/3P-6C /

W.P.No.10119 of 2013



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