

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1904 of 2019

And

W.M.P.Nos.2106 and 2107 of 2019

***S.James Rajkumar**

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

2.The District Educational Officer,
Thiruvannamalai.

3.Arcot Lutheran Church
Represented by its Secretary
ALC Centre
9 ALC Campus
Cuddalore 607 007

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in relation to the proceedings in Na.Ka.No.5997/Aa2/2018 dated 22.11.2018 on the file of the second respondent, quash the same and consequently direct the respondents to approve the transfer of the petitioner to the Danish Mission High School, Thiruvannamalai, in the post of Physical Education Teacher with effect from 16.11.2016 with all consequential services and monetary benefits.

For Petitioner : Ms.Dakshayani Reddy
For Respondents : Mrs.V.Annalakshmi
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorari Mandamus to call for the records of the second respondent in relation to the proceedings in Na.Ka.No.5997/Aa2/2018 dated 22.11.2018 on the file of the second respondent, quash the same and consequently direct the respondents to approve the transfer of the petitioner to the Danish Mission High School, Thiruvannamalai, in the post of Physical Education Teacher with effect from 16.11.2016 with all consequential services and monetary benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. Though the petitioner has raised several grounds in the writ petition, the learned counsel appearing for the petitioner filed affidavit dated 16.09.2019 and would submit that this Court may direct the Official respondent to grant approval to the petitioner as Physical Education Teacher in his present station, with effect from 01.08.2018 by granting liberty to the petitioner to approach the first respondent for the purpose of grant of approval with effect from 16.11.2016 and would further submit that this Court need not quash the impugned order passed by the second respondent.

4. The second respondent has filed counter dated 31.07.2019 stating that the post of Physical Education Teacher becomes vacant from 01.08.2018 and as such there is no impediment for payment of salary to the petitioner but the third respondent has not submitted any fresh proposal to the second respondent regarding the same. The counter further states that if a fresh proposal has been submitted for payment of salary to the petitioner then it will be considered.

5. In view of the above, the petitioner is granted liberty to approach the first respondent for the purpose of grant of approval with effect from 16.11.2016. The respondents are directed to comply with paragraph no.10 of the counter affidavit dated 31.07.2019 filed by the second respondent. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petitions are closed.

Sd/--
Assistant Registrar

***corrected as per order
of this court dated 04/11/2019
made in WMP.No.31012/19
in WP.No.1904/2019
-s/d-
Assistant Registrar(CSV)
dt 21/11/2019**

//True Copy//

Sub Assistant Registrar

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To

1.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

2.The District Educational Officer,
Thiruvannamalai.

+1cc to Ms.Dakshayani Reddy, Advocate SR.79731
+1cc to the Government Pleader SR.80229

W.P.No.1904 of 2019
And

W.M.P.Nos.2106 and 2107 of 2019

RR(CO)
CB(09/10/2019)
aa21/11/2019

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