

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.02.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.4072, 4076 & 4081 of 2019

W.P.No.4072/2019

S.Murali, B.Sc., M.A., B.Ed.,

..Petitioner

vs

1. The State of Tamil Nadu
Rep.by its Secretary,
Education Department
Secretariat, Chennai - 9.
2. The Director of School Education,
College Road, Chennai - 6.
3. The Chief Educational Officer,
Salem.
4. The District Educational Officer,
Salem.
5. The Correspondent
Little Flower Higher Secondary School,
Salem - 636 007

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider and pass order on the representation of the petitioner dated 19.05.2015 with regard to approval of the appointment of the petitioner w.e.f 2.6.1997, as Secondary Grade Teacher in the 5th respondent school with all consequential benefits in the light of the order passed W.P.No.5036 of 2017 dated 10.08.2018.

W.P.No.4076/2019

S.Senthilkumar M.A., B.Ed.,

..Petitioner

vs

- 1.The State of Tamil Nadu
Rep.by its Secretary,
Education Department
Secretariat, Chennai - 9.

2.The Director of School Education,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Salem.

4.The District Educational Officer,
Salem.

5.The Correspondent
Little Flower Higher Secondary School,
Salem - 636 007

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider and pass order on the representation of the petitioner dated 19.05.2015 with regard to approval of the appointment of the petitioner w.e.f 2.6.1997 to 20.09.2000, as Secondary Grade Teacher in the 5th respondent school with all consequential benefits in the light of the order passed W.P.No.5036 of 2017 dated 10.08.2018.

W.P.No.4081/2019

Tmt.Inbavalli

..Petitioner

vs

1.The State of Tamil Nadu
Rep.by its Secretary,
Education Department
Secretariat, Chennai - 9.

2.The Director of Elementary Education,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Melur, Madurai.

4.The Block Educational Officer,
Melur, Madurai District.

5.The Correspondent
Abulkalam Azad Middle School
Melur, Madurai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider and pass order on the

representation of the petitioner dated 11.01.2017 with regard to approval of the appointment of the petitioner w.e.f 9.2.1998, as Secondary Grade Teacher in the 5th respondent school with all consequential benefits in the light of the order passed W.P.No.5036 of 2017 dated 10.08.2018.

For Petitioners : Mr.S.N.Ravichandran(in all W.Ps)

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader for
R1 to R4
(in all W.Ps)

C O M M O N O R D E R

The relief sought for in all the writ petitions is for a direction to direct the 1st respondent to consider and pass order on the representation of the petitioners dated 19.05.2015 and 11.01.2017.

2.The Writ of Mandamus on hand cannot be issued in the absence of a valid proposal to be submitted by the Management of the 5th respondent seeking approval of the appointment of the writ petitioners in the School for the Post of Secondary Grade Teacher.

3.The learned counsel for the writ petitioners state that the writ petitioners are fully qualified and the 5th respondent School is an Aided Minority Institution. The petitioners were appointed as Secondary Grade Teacher on 02.06.1997 and 09.02.1998 and the representation submitted by the writ petitioners to approve the appointment has not been considered. Thus, the writ petitioners are constrained to move the present writ petition.

4.This Court is of an opinion that the 5th respondent is a Minority Aided Institution and in the event of any such appointment to the teaching posts, necessary proposals are to be submitted by the Management of the 5th respondent School before the competent educational authorities for the purpose of grant of approval in accordance with the Act and Rules.

5.This being the procedures to be followed, in the absence of any such proposal from the 5th respondent, this Court would not be in a position to issue direction to consider the representations submitted by the writ petitioners directly to the educational authorities. Such representations cannot be entertained in view of the fact that the procedure contemplates a proposal to be submitted by the School Management, seeking approval of the appointment.

6.This being the provisions of the Act and Rules, this Court is of an opinion that the 5th respondent has to submit a proposal in the prescribed format in accordance with the provisions of the Act and Rules. In the event of submitting any such proposal by the 5th respondent, the competent educational authorities are bound to consider the same in accordance with the provisions of the Act and Rules for the purpose of granting approval to the writ petitioners in respect of their appointment to the Post of Secondary Grade Teacher.

7.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary,
Education Department
Secretariat, Chennai - 9.
- 2.The Director of School Education,
College Road, Chennai - 6.
- 3.The Chief Educational Officer,
Salem.
- 4.The District Educational Officer,
Salem.
- 5.The Chief Educational Officer,
Melur, Madurai.
- 6.The Block Educational Officer,
Melur, Madurai District.
7. The Director of Elementary Education
College Road, Chennai 6.

+1 CC to The Govt. Pleader sr 14095 & 14101.

+3 Ccs to Mr.S.N.Ravichandran, Advocate sr 12995, 12996, 12997

W.P.Nos.4072, 4076, 4081
of 2019

SP(06/03/2019)