

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.9379 of 2019
and WMP.No.9951 of 2019

K.Thennarasu

... Petitioner

-vs-

- 1.The Director of School Education
DPI Campus, College Road
Chennai-600 006
 - 2.The Chief Educational Officer
Presidency Girls Higher Secondary School Campus
Egmore High Road
Egmore, Chennai-600 008
 - 3.The District Educational Officer
Chennai East
Government Model Higher Secondary School Campus
Kamarajar Salai
Chennai-600 005
 - 4.The Secretary
R.B.A.N.C.Higher Secondary School
No.26, Swamy Street, Pudupet
Chennai-600 002
- ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus directing the respondents to approve the appointment of petitioner in the regular sanctioned post of Record Clerk in the 4th respondent school from the date of appointment on 13.12.2018 and to make the payment of salary with interest and other service benefits, within a time frame to be fixed by this court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.K.Karthikeyan, Government Advocate
for R1 to R3.

R4 - No appearance.

O R D E R

The 4th respondent is the aided school receiving grant-in-aid from the State Government for both teaching as well as non teaching staff working in the school and it is governed by the provisions of Tamil Nadu Recognized Private Schools (Regulation) Act and the Rules made thereunder.

2. A vacancy to the post of Record Clerk arose due to demise of then incumbent N.Chandrababu on 29.05.2017. Therefore, the Management has forwarded a letter to the 2nd respondent through 3rd respondent on 02.04.2018 seeking for permission to fill up the post, but the same was not considered.

3. In the said circumstances, the 4th respondent school called for list of eligible persons from Employment Exchange and issued paper publication for selection to the post of Record Clerk. In the selection, the petitioner is one of the candidates participated and consequently got selected and appointed to the post of Record Clerk as per the order of the 4th respondent dated 13.12.2018 and on the same date, the petitioner joined and continued to work till date.

4. Subsequently, the 4th respondent forwarded a proposal for approval of Petitioner's appointment and for payment of salary and allowances to the petitioner, to the 3rd respondent on 02.01.2019. However, the proposal was returned to the school on the ground that the school has to obtain prior permission to fill up the post of Record Clerk. However, the same was re-presented by the school on 22.02.2019.

5. After re-representation, no orders were passed by the 3rd respondent. Therefore, the petitioner is before this court.

6. When the matter is taken up for hearing, the learned Government Advocate appearing for Respondents 1 to 3 took notice and would submit that the 3rd respondent may be directed to pass appropriate orders in the approval application, pending before him in respect of the appointment of the petitioner as Record Clerk.

7. In view of the facts narrated above and the submissions made by the Government Advocate, the Writ Petition is disposed of with the following directions:-

(i) The 3rd respondent is directed to pass appropriate orders on merits and in accordance with law on the approval application pending before him in respect of the appointment of the petitioner as Record Clerk in the 4th respondent school,

within a period of four weeks from the date of receipt of a copy of this order.

(ii) The 3rd respondent is also directed to take into consideration, if any orders passed by this court, in this regard and pass a reasoned order.

No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1.The Director of School Education
DPI Campus, College Road
Chennai-600 006
- 2.The Chief Educational Officer
Presidency Girls Higher Secondary School Campus
Egmore High Road
Egmore, Chennai-600 008
- 3.The District Educational Officer
Chennai East
Government Model Higher Secondary School Campus
Kamarajar Salai
Chennai-600 005

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 54382
+1cc to the Government Pleader, S.R.No. 54540

RSI (CO)
GN(11/07/2019)

W.P.No.9379 of 2019

WEB COPY