

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.13916 of 2019
and WMP No.13977 of 2019

A. Jayanthimala

... 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 West,
DPI Campus, College Road,
Chennai - 600 006
4. The Correspondent,
Kannada Sangha Higher Secondary School,
No.3, United India Nagar,
Ayanavaram,
Chennai - 600 023

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to approve the appointment of petitioner in the post of BT Assistant (History) in the 4th respondent School in the regular sanctioned post with salary from 04.10.2012 with all consequential and other attendant benefits along with interest, by passing orders on the proposal forwarded by the 4th respondent school dated 23.12.2012 and 14.05.2015 etc.,

For Petitioner: Mr.A.Maheshnath

For respondents: Mr.C.Munusamy
Spl.G.P.

ORDER

The petitioner has filed the writ petition seeking to issue a Writ of Mandamus directing the respondents 1 to 3 to approve the appointment of petitioner in the post of BT Assistant (History) in the 4th respondent School in the regular sanctioned post with salary from 04.10.2012 with all consequential and other attendant benefits along with interest, by passing orders on the proposal forwarded by the 4th respondent school dated 23.12.2012 and 14.05.2015 etc.,

2. The case of the petitioner is that the petitioner is qualified with B.A.(History) in the year 1986, M.A.(History) in the year 1992 and B.Ed in the year 1994. Therefore, the petitioner is eligible for appointment to the post of BT Assistant/PG Assistant in accordance with his qualification. The 4th respondent School is a Religious Minority Institution, receiving grant-in-aid from State Government and it is an Aided Minority School and governed by the provisions of Tamil Nadu Recognized Private Schools (Regulation) Act and the Rules made thereunder.

3. It is the further case of the petitioner that in the 4th respondent school, the petitioner was appointed as BT Assistant (History) against a vacancy arose due to retirement of one Tmt.B. Sarala on 30.09.2012, as per the order of the 4th respondent dated 04.10.2012 and based on the same, the petitioner joined the post of BT Assistant (History) on 04.10.2012 FN. Consequently, the School Management forwarded proposal to the department for approval of my appointment on 23.12.2012 along with enclosures, however, the respondent has not passed any orders on the proposal forwarded, inspite of repeated reminders. Therefore, the petitioner has filed the present writ petition seeking for the above relief.

4. The learned counsel for the petitioner would submit that it is suffice that if a direction is issued to the third respondent to consider and pass orders on the recommendation and proposal forwarded by the fourth respondent regarding the approval of petitioner's appointment within a reasonable time.

5. The learned Special Government Pleader appearing for the respondents submits that appropriate orders will be passed within a reasonable time that may be fixed by this Court.

6. In view of the above submission, the writ petition is disposed of directing the third respondent to consider and pass orders on the recommendation and proposal forwarded by the fourth respondent with regard to the approval of petitioner's

appointment on 23.12.2012 in accordance with law. No costs.
Consequently, connected Miscellaneous Petition is closed.

sr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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,
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Kannada Sangha Higher Secondary School,
No.3, United India Nagar,
Ayanavaram,
Chennai - 600 023

+1cc to Mr.G.Sankaran, Advocate, SR.No.76723
+1cc to the Govt.Pleader, Vide Sr.No.76895

W.P.No.13916 of 2019

सत्यमेव जयते

Kak(14/10/2019)

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