

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-04-2019

CORAM

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

W.P.No.14545 of 2018

And

W.M.P.No.17166 of 2018

P.Gabriel Tamilselvan

.. Petitioner

vs

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

2.The District Educational Officer,
Thiruvallur,
Thiruvallur District.

3.The Correspondent,
T.E.L.C. Kabis Higher Secondary School,
Pandur,
Thiruvallur Taluk,
Thiruvallur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner as B.T. Assistant (History) with effect from the date of initial appointment and give all the consequential benefits by considering the resubmitted proposal by the third respondent on 15.3.2018.

For Petitioner : Mr.P.Ganesan

For Respondents-1&2 : Mr.A.Raja Perumal,
Additional Government Pleader.

For Respondent-3 : Ms.Selvi Rajesh

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to approve the appointment of the petitioner as B.T. Assistant (History) with effect from the date of initial appointment and give all the consequential benefits by considering the revised proposal sent by the third respondent on 15.3.2018.

2. The grievance of the writ petitioner is that he was appointed as Junior Grade B.T. Assistant in the third respondent-School on 16.3.2005. However, the appointment of the writ petitioner was not approved from the date of his initial appointment.

3. The counter filed by the second respondent-District Educational Officer states that the writ petitioner was appointed as B.T. Assistant from 16.3.2005, without getting approval from the second respondent.

4. As per G.O.Ms.No.144, School Education Department, dated 20.9.2008, any vacant Secondary Grade post has to be filled by B.T. Assistant after getting prior approval from the Chief Educational Officer.

5. The third respondent-School has not applied for any approval from the Chief Educational Officer till date. However, the third respondent sent the revised proposal to the second respondent on 15.3.2018. Paragraph 21 of the counter-affidavit filed by the second respondent states that "the second respondent after satisfying himself has recommended for approval of appointment to the Chief Educational Officer for necessary action and the same is under consideration of the Chief Education Officer. The Chief Educational Officer has not passed any final order on the proposal submitted by the second respondent".

6. From the abovesaid counter, it is made clear that the third respondent-School had submitted a revised proposal on 15.3.2018 and the said proposal had already been forwarded by the second respondent to the Chief Educational Officer.

7. Under these circumstances, the Chief Educational Officer is bound to pass orders on the revised proposal submitted by the third respondent-School as expeditiously as possible.

8. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Svn

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

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

2. The District Educational Officer,
Thiruvallur,
Thiruvallur District.

+1cc to Mr.P.Ganesan, Advocate, SR.No.32623

+1cc to Ms.Selvi Rajesh, Advocate, SR.No.32873

+1cc to the Govt.Pleader, Vide Sr.No.33400

W.P.No.14545 of 2018

Kak(13/05/2019)

सत्यमेव जयते

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