

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17593 & 17599 of 2019

and

WMP. Nos.17068 & 17069 of 2019

Thiruvaduthurai Adheenam Middle School,
Thiruvaduthurai,
Kuthalam Union,
Nagapattinam District
Rep. by its correspondent
P. Sundaresan ..Petitioner in both petitions

vs.

1. The Director of Elementary Education,
DPI Campus, College Road
Chennai 600 006.
2. The District Educational Officer
Mayiladuthurai,
Nagapattinam District.
3. The Block Educational Officer,
Kuthalam Union 609 801
Nagapattinam District. ...Respondents in both petitions

Prayer in W.P. No.17593 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, or direction more particularly a writ in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the second respondent in O.Mu. No.2394/Aa2/2018 dated 10.10.2018 and to quash the same and consequently directing the respondents to approve the appointment of Thiru A. Klaimaran in the post of Secondary Grade Teacher in the Petitioner School from the date of appointment on 28.04.2014 with all consequential and other attendant benefits including arrears of salary with interest, within a time frame to be fixed by this Hon'ble Court.

Prayer in W.P. No.17599 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, or direction more particularly a writ in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the second respondent in O.Mu. No.2395/Aa2/2018 dated 08.10.2018 and to quash the same and consequently directing the respondents to approve the appointment of Tmt.P.Sridevi in the post of Secondary Grade Teacher in the Petitioner School from the date of appointment on 13.07.2017 with all consequential and other attendant benefits including arrears of salary with interest, within a time frame to be fixed by this Hon'ble Court.

For Petitioner: Mr. G.Sankaran

For Respondents: Mr. C. Munusamy
Special Government Pleader.

COMMON ORDER

The case of the petitioner is that the petitioner's school, Thiruvaduthurai Adheenam Middle School was established in the year 1950, which is a religious denominational aided school, run by Thiruvaduthurai Adheenam, receiving grant-in-aid from the State Government, governed by the provisions of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and Rules 1974. In the petitioner's school, vacancies arose for the post of Secondary Grade Teachers due to the retirement of Thiru. R. Nataraja Sundaram on 31.05.2013 and one Varadarajan on 31.05.2017. In the resultant vacancies, the petitioner school appointed one A. Kalaimaran and Tmt.P.Sridevi as Secondary Grade Teachers on 28.04.2014 and 13.07.2017 respectively, who were qualified with D.T.Ed qualification and further passed Teachers Eligibility Test (TET). In this regard, the petitioner school has forwarded a proposal to the respondents seeking approval of their appointment enclosed with documents. The second respondent returned the proposal sent by the Adheenam School for want of certain clarification. Thereafter, rectifying the defects pointed out in the impugned communication, the petitioner school re submitted the approval application on 29.10.2018 and the same was not considered till date.

2. The learned counsel appearing for the petitioner submitted that, it would suffice to issue direction to the respondents to consider the representation submitted by the petitioner school on 29.10.2018 within the reasonable time on merits in accordance with law.

3. The learned Special Government Pleader, Mr. C. Munusamy, appearing for the petitioners conceded to the request made by the learned counsel appearing for the petitioner.

4. Though the petitioner challenged the impugned order dated 10.10.2018 and 08.10.2018, however, after rectifying the said defects, the petitioner school resubmitted the application on 29.10.2018. Hence, in view of the limited request made by the learned counsel for the petitioner, without interfering with the order impugned, I am inclined to issue direction to the respondents to consider the application dated 29.10.2018 submitted by the petitioner school and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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copy to

1. The Director of Elementary Education,
DPI Campus, College Road
Chennai 600 006.
2. The District Educational Officer
Mayiladuthurai,
Nagapattinam District.
3. The Block Educational Officer,
Kuthalam Union 609 801
Nagapattinam District.

+1 CC to The Govt. Pleader sr 80238.

+1 CC to Mr.G. Sankaran, advocate sr 80001.

W.P.Nos.17593 & 17599 of 2019

SP(27/09/2019)