

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.21525 of 2019

and

WMP.No.20727 of 2019

A.Bhuvaneswari

... Petitioner

Vs

1.The Secretary to Government,
School Education Department,
F.S.G., Secretariat,
Chennai 600 009.

2.Director of School Education,
Chennai 600 006.

3.Chief Educational Officer,
Chennai 600 015.

4.Correspondent,
Kesari Higher Secondary School,
Old No.9, New No.17/1,
Royapettah High Road III Street,
Mylapore, Chennai 600 004.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the respondents 1,2 and 3 to sanction further continuance of the post of Record Clerk in the similar manner as was done in the G.O.Ms.No.64 School Education Department dated 03.04.2018 and pay the salary to the petitioner from 03.10.2016 to till date by sanctioning the further continuance of post of Record Clerk from the financial year 2016-17 and permanently, to the petitioner in the fourth respondent school - Kesari Higher Secondary School, Mylapore, Chennai - 600 004.

For Petitioner : Mr.Sukumar. V

For Respondents 1-3: Mr.C.Munusamy
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking to direct the respondents 1,2 and 3 to sanction further continuance of the post of Record Clerk in the similar manner as was done in the G.O.Ms.No.64 School Education Department dated 03.04.2018 and pay the salary to the petitioner from 03.10.2016 to till date by sanctioning the further continuance of post of Record Clerk from the financial year 2016-17 and permanently, to the petitioner in the fourth respondent school - Kesari Higher Secondary School, Mylapore, Chennai - 600 004.

2. The case of the petitioner is that he was appointed as Record Clerk on 03.10.2016 by the fourth respondent. After appointment of the petitioner, the fourth respondent sent proposals dated 29.12.2018 to the third respondent for approval of the appointment of the petitioner and thereby the petitioner all alone has not been paid regular salary. Hence, the petitioner has come forward with the present Writ Petition for the relief as mentioned above.

3. Learned Counsel for the petitioner would submit that the petitioner has been appointed as non teaching staff and that the fourth respondent has sent proposals on 29.12.2018 in respect of the approval of the appointment of the petitioner. However, till date no approval has been granted by the third respondent. Hence the learned counsel would implore this Court to issue direction to the respondents to approve the appointment of the petitioner.

4. Learned Special Government Pleader would concede the claim of the petitioner and would submit that if the post is a sanctioned post, the respondents would consider the proposals sent by the fourth respondent and approve the same in accordance with law.

5. Considering the facts and circumstances and as well as the submissions made by the learned counsel for the petitioner and in view of the fact that the petitioner has been appointed as Record Clerk in the year 2016 and his appointment has not been approved by the respondents, I am inclined to direct the respondents to approve the appointment of the petitioner by considering the proposals sent by the fourth respondent dated

29.12.2018 in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

To Sub Assistant Registrar

- 1.The Secretary to Government,
School Education Department,
F.S.G., Secretariat,
Chennai 600 009.
- 2.Director of School Education,
Chennai 600 006.
- 3.Chief Educational Officer,
Chennai 600 015.
- 4.Correspondent,
Kesari Higher Secondary School,
Old No.9, New No.17/1,
Royapettah High Road III Street,
Mylapore, Chennai 600 004.

+1cc to Mr.Sukumar, Advocate sr.84326
+1cc to Government Pleader SR.NO. 85081

सत्यमेव जयते

W.P.No.21525 of 2019
and
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ln(co)
nr 18/12/2019

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