

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24545 of 2019
and W.M.P.Nos.24232, 24235 & 24236 of 2019

1.G.Ranjini
2.P.M.Krishnamoorthy ..Petitioners

-Vs-

1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai-9.

2.The Director of School Education,
DPI Complex, College Road,
Chennai 06.

3.The District Educational Officer,
Ponneri, Thiruvallur District.

4.S.K.D.J Higher Secondary School,
Represented by Managing Trustee &
Secretary P.Jayachandran,
Thiruverkadu, Chennai 600 077.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings Oo.Mu.No.1409/A3/2017 dated 24.02.2018 and Oo.Muno.1410/Aa3/2017 dated 21.02.2018 and quash th same and consequently direct the respondents to approve the appointments of the first petitioner namely G.Rajini in the post of library Assistant and the second petitioner namely P.M.Krishnamoorthy in the post of Record Clerk with effect from 01.12.2016 respectively in the light of the orders passed in W.A.No.258 of 2009 etc., batch dated 12.07.2010 and W.P.No.29998 of 2014 etc., batch cses dated 17.03.2017 and the consequential order passed by the first respondent in G.O.Ms.No.64 School Education(Paa.Kaa 6(1) department dated 03.04.2018 with all other service benefits.

For Petitioner : Mr.K.H.Ravi Kumar

For R1 to R3 : Mr.C.Munusamy
Special Government Pleader

O R D E R

Writ Petition is filed challenging the order of the third respondent in his proceedings Oo.Mu.No.1409/A3/2017 and OO.Mu.No.1420/Aa3/2017 dated 21.02.2018 and consequential order passed by the first respondent in G.O.Ms.No.64 School Education (Paa.Kaa 6(1) department dated 03.04.2018 with all other service benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the 1st petitioner was appointed as Library Assistant and the second petitioner was appointed as Record Clerk in the sanctioned post by the 4th respondent-School Committee in his order dated 01.12.2016 for the purpose of approval of the petitioners' appointment. The proposal was sent to the third respondent viz., DEO, Ponneri. However, the said proposal returned by the third respondent on the ground that they are awaiting for Government order from the State Government to approve the sanctioned post. Against which, the fourth respondent has preferred a representation to the competent authority to approve the appointment of the petitioners. But till date, the said representation was not considered by the third respondent. Hence, the present writ petition.

4. Learned counsel for the petitioner submitted that the impugned order was passed on 21.02.2018 on the ground that they are awaiting for Government Orders to approve the said sanctioned post. The proposal for approval of the petitioners' appointment was sent by the 4th respondent on 01.06.2017 to the third respondent. As per the Government Order in G.O.Ms.No.64 dated 03.04.2018, there is no legal impediment to approve the appointment of the petitioners by the third respondent.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the proposal was sent by the fourth respondent on 01.06.2017. If the subsequent G.O.No.Ms.No.64 dated 03.04.2018 was passed in favour of the petitioners, the 4th respondent may resubmit the proposal for approval of the petitioners' appointment and the same will be considered in accordance with law.

6. Considering the facts and circumstances of this case, It is open to the fourth respondent to resubmit the proposal and on receipt of such proposal if any, the third respondent is directed to pass appropriate orders on merits and in accordance with law, preferably, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

7. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

kkd

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Complex, College Road,
Chennai 06.
- 3.The District Educational Officer,
Ponneri, Thiruvallur District.

+1cc to Mr.K.H.Ravi Kumar, Advocate, SR.No.83685
+1cc to the Govt.Pleader, Vide Sr.No.83994

W.P.No.24545 of 2019
and

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Kak(24/10/2019)

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