

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2019

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.25517 of 2019 and
W.M.P.Nos.25045, 25046 and 25049 of 2019
and W.P.No.25519 of 2019

The Secretary,
Sowrirajan High School,
Thiruvilaiyattam, Nalladi (Via),
Tharangambadi Taluk,
Nagapattinam District - 609 306.

...Petitioner
in both petitions

vs

1.The Chief Educational Officer,
Nagapattinam,
Nagapattinam District.

2.The District Educational Officer,
Sirkali,
Nagapattinam District.

...Respondents
in both petitions

Prayer in W.P.No.25517 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in his proceedings O.Mu.No.11566/A2/2018, dated 25.06.2019, to quash the same and further direct the 1st respondent to accord approval for the appointment of Mr.K.Aiyappan as Watchman in the petitioner's School.

Prayer in W.P.No.25519 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in his proceedings O.Mu.No.11566/A2/2018, dated 25.06.2019 and the records of the 2nd respondent in his

proceedings in O.Mu.No.6174/A2/19, dated 09.07.20019 and to quash respective orders therein and further, direct the 1st respondent to accord approval for the appointment of Mr.S. Venkatesh as Record Clerk in the petitioner's School.

For Petitioner : Mr.A. Muthukumar
in both petitions

For Respondents : Mr.C. Munusamy,
Special Government Pleader
in both petitions

COMMON ORDER

It is the case of the petitioner that the petitioner's School was established as Elementary School in the year 1865 at Thiruvilaiyattam and was upgraded as High School in the year 1962. The said School is an aided private School and the Students strength is 750. While being so, the posts of Watchman and the Record Clerk fell vacant in the year 2014 and the petitioner sent proposals for approval to fill up the posts of Watchman and Record Clerk. However, the said proposal sent for approval was returned on the basis of G.O.Ms.No.238, dated 13.11.2018. Challenging the same, these Writ Petitions have been filed.

2.The learned counsel for the petitioner, on instructions, would submit that there is no surplus post available in the District and the petitioner's proposal can be granted by the respondents. Further, he would submit that the subsequent Government Order cannot render the appointment made as per permission granted prior to the said G.O.Ms.No.238, dated 13.11.2018. The said G.O. specifically saves the appointments made as per the permission granted earlier to the said Government Order.

3.The learned Special Government Pleader has produced a letter dated 06.09.2019 sent by the 1st respondent, wherein it has been stated by the 1st respondent that no surplus post is available in respect of Watchman and there are surplus posts available in Nagapattinam District in respect of Record Clerk.

4.In view of the consent view expressed by the learned Government Pleader, I am inclined to give directions to the 1st respondent to pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

mps

To

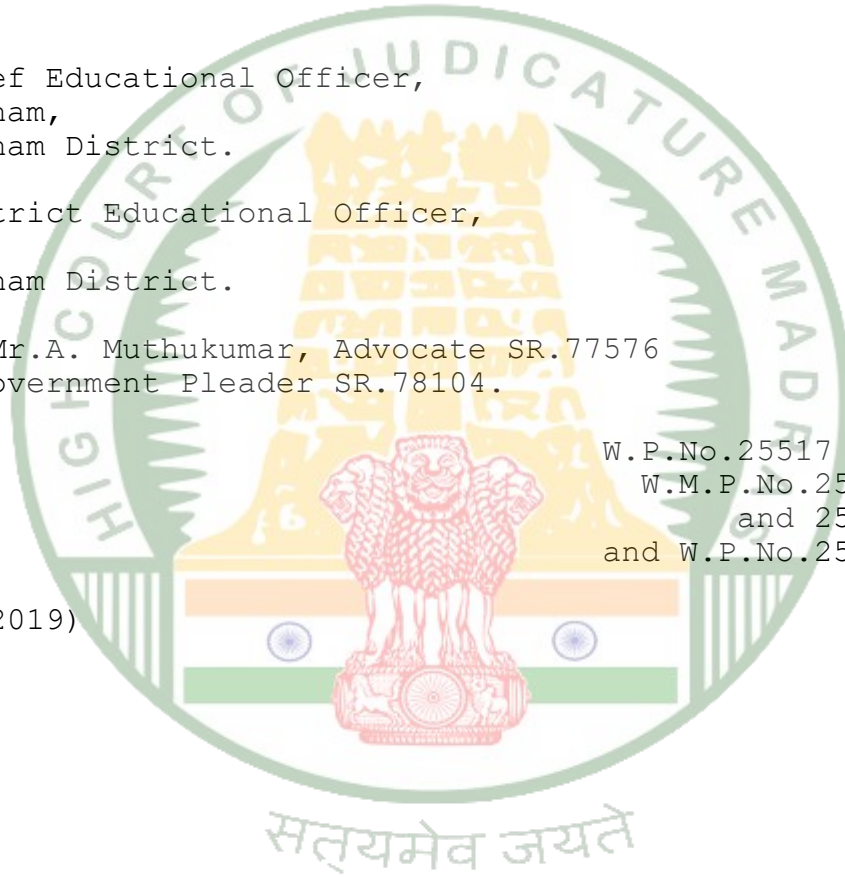
1.The Chief Educational Officer,
Nagapattinam,
Nagapattinam District.

2.The District Educational Officer,
Sirkali,
Nagapattinam District.

+2cc to Mr.A. Muthukumar, Advocate SR.77576
+1cc to Government Pleader SR.78104.

W.P.No.25517 of 2019 and
W.M.P.No.25045, 25046
and 25049 of 2019
and W.P.No.25519 of 2019

CA(CO)
CB(25/11/2019)



WEB COPY