

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.27911 and 27912 of 2019
and W.M.P.Nos.27495 and 27499 of 2019

P.Manikandan ..Petitioner in W.P.No.27911/2019

N.Murugan .. Petitioner in W.P.No.27912/2019

vs

1.The Director of School Education
DPI Campus, College Road
Chennai-600 006.

2.The Chief Educational Officer
Presidency Girls Higher Secondary School Campus
Gangureddy salai, Egmore
Chennai-600 008.

3.The District Educational Officer
Chennai East, Model Higher Secondary School Campus
Avvai Shanmugam Salai
Chennai-600 005.

4.The Secretary
Vallal Ettiyappa Naicker Higher Secondary School
No.164, S.N.Chetty street
Royapuram, Chennai-600 013.

.. Respondents in
both WPs.

Prayer in W.P.No.27911 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to approve the appointment of petitioner in the regular sanctioned post of Junior Assistant in the 4th respondent school from the date of appointment on 02.04.2018, and to make the payment of salary with interest and other service benefits, without reference to G.O.Ms.No.238 School Education Department dated 13.11.2018 issued subsequently, within a time frame.

Prayer in W.P.No.27912 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to approve the appointment of petitioner in the regular sanctioned post of Office Assistant in the 4th respondent school from the date of appointment on 02.04.2018, and to make the payment of salary with interest and other service benefits, within a time frame.

In both WPs.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.A.Rajaperumal

Additional Government Pleader

C O M M O N O R D E R

Writ petitions are filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to approve the appointment of petitioners in the regular sanctioned post of Junior Assistant and Office Assistant respectively in the 4th respondent school from the date of appointment on 02.04.2018, and to make the payment of salary with interest and other service benefits, without reference to G.O.Ms.No.238 School Education Department dated 13.11.2018 issued subsequently, within a time frame.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents. By consent, the writ petitions are taken up for final disposal.

3.The case of the petitioners is that the petitioners belong to BC and MBC community and they were qualified with Plus-2 and 8th Standard respectively and registered the same in Employment Exchange. The 4th respondent school has called for the list of eligible candidates from Employment Exchange for selection to the post of Junior Assistant as well as Office Assistant. On that basis, both the petitioners participated in the selection process and were selected and appointed to the post of Junior Assistant and Office Assistant respectively, as per the order of the 4th respondent dated 02.04.2018. Based on the order of appointment, they joined the post on the same day. The 4th respondent school has forwarded the proposal for approval of appointment of petitioners and assessment of salary to the 3rd respondent on 20.07.2018 and the same has been forwarded to the 2nd respondent. The 2nd respondent issued

proceedings returning the proposal stating that the appointment of petitioners have been made without getting prior permission from the Department and as per G.O.Ms.No.238, School Education Department, dated 13.11.2018, the vacant post of Junior Assistant to be surrendered to Department. The petitioner in W.P.No.27911 of 2019 was appointed on 02.04.2018 prior to the issuance of the Government Order. Therefore, they have come out with the present writ petitions for the above stated relief.

4. Learned counsel appearing for the petitioners submitted that it would suffice, if this Court issues direction to the respondents to approve the appointment of petitioners and pass appropriate orders within the reasonable time.

5. Considering the facts and circumstances of the case, this Court directs the respondents to approve the appointment of the petitioners and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petitions are accordingly disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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Vallal Ettiyappa Naicker Higher Secondary School
No.164, S.N.Chetty street
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+1 cc to Government Pleader Sr.No. 81939

+1cc to Mr.G.Sankaran , Advocate SR.No. 81458

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A.SK(07/11/2019)



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