

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 28275 of 2019

J.Prema Anitha
D/o. Jayakandan
Secondary Grade Assistant Teacher
Danish Mission Elementary School
Pe-Ponneri, Pennadam,
Cuddalore District. ..Petitioner

Vs

1. The Director of Elementary Education
College Road,
Chennai 600 006.

2. The District Educational Officer,
Vriddhachalam,
Cuddalore District.

3. The Block Educational Officer,
Nallur,
Cuddalore District.

4. The Correspondent
Danish Mission Elementary School,
Po-Ponneri, Pennadam,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's representation dated 14.08.2019, which was given seeking approval of petitioner's appointment as Secondary Grade Assistant Teacher in the 4th respondent School based on proposal dated 21.01.2019 sent by the 4th respondent School, on merits within a time frame stipulated by this Court.

For Petitioner : M/s.A.S.Kaizer

For Respondent : Mr.C.Munusamy

Special Government Pleader
for Education.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose of the petitioner's representation dated 14.08.2019, which was given seeking approval of petitioner's appointment as Secondary Grade Assistant Teacher in the 4th respondent School based on proposal dated 21.01.2019 sent by the 4th respondent School, on merits within a time frame stipulated by this Court.

2. The case of the petitioner is that the petitioner has completed has SSLC in March 2005 and HSC in March 2007. Thereafter the petitioner completed Diploma in Teacher Education (D.TEd) in June 2010. The petitioner registered her name in the Employment Exchange and thus the petitioner was anticipating for her appointment as Secondary Grade Assistant Teacher.

3. The learned counsel appearing for the petitioner would submit that the petitioner came to know that there was a vacancy for the post of Secondary Grade Assistant Teacher in the Danish Mission Elementary School, Pe. Ponneri, Pennadam, Cuddalore District, the 4th respondent herein, which is an aided minority institution. The petitioner applied for the said post and on 18.01.2019, the petitioner was appointed as Secondary Grade Assistant Teacher in the Danish Mission Elementary School, Pe. Ponneri, Pennadam, Cuddalore District, the 4th respondent herein with effect from 21.01.2019. The place in which the petitioner was appointed in a permanent vacancy, which arose due to the retirement of one Mr.D.Iyyappan Joseph Jayakumar, Secondary Grade Assistant Teacher. From the said date of appointment the petitioner working in the said School till date. The petitioner understand that on 21.01.2019, the School management, the 4th respondent herein sent a proposal to District Educational Officer, the 2nd respondent herein through the 3rd respondent herein for approval her appointment.

4. The learned counsel appearing for the petitioner would further submit that after receipt of the above said proposal by the 2nd respondent herein, the same was not considered and till date no order has been passed approving her appointment. Under the above said circumstances and after waiting for a period of nearly about 7 months, she sent her representation dated 14.08.2019 to the respondents 2 & 3 herein through proper channel as well as by R.P.A.D requesting them to approve her appointment. Her representation dated 14.08.2019 is pending before the authorities concerned without disposal. Because of the inaction on the part of the authorities concerned, she suffered a lot without salary and the petitioner do not know where the petitioner stand. In similar circumstances in the matter of appointments made in minority schools the authorities

have passed suitable orders approving the appointment of teachers. But in her case though the appointment was made on 18.01.2019 itself, the matter is dragged endlessly. Even after the lapse of 8 months not only her appointment has been approved and the petitioner have also not been paid the salary. The petitioner suffering a lot without salary for the past 8 months. The delay on the part of the 2nd respondent is not attributable on her part. The 2nd respondent, who is the competent authority to pass orders on her representation, has not passed any orders till date. Hence it is just and necessary to issue a direction to the 2nd respondent herein to pass orders on her representation dated 14.08.2019, which was given seeking approval of her appointment as Secondary Grade Assistant Teacher in the 4th respondent school based on the proposal dated 21.01.2019 sent by the 4th respondent school.

5. The learned counsel appearing for the respondent conceded to the request made by the learned counsel appearing for the petitioner. Since, the representation of the petitioner dated 14.08.2019, was not considered by the respondent, the petitioner filed this Writ Petition.

6. The learned counsel for the petitioner would further submit that it would be suffice, if this Court issues direction to the respondent to consider the petitioner's representation dated 14.08.2019 within a time frame.

7. Without expressing any opinion on merits, I am inclined to issue a direction to the respondent to dispose of the Writ Petitioner's representation dated 14.08.2019, within a period of 12 weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

kmm

To

1. The Director of Elementary Education
College Road,
Chennai 600 006.

2. The District Educational Offcier,
Vriddhachalam,
Cuddalore District.

3. The Block Educational Officer,
Nallur,
Cuddalore District.

+1cc to M/s.A.S.Kaizer, Advocate SR.82624
+1cc to the Government Pleader SR.82788

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VP(CO)
CB(18/10/2019)



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