

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

Writ Appeal No. 2760 of 2018

&

C.M.P. No. 22756 of 2018

1. The District Elementary Educational Officer,
Villupuram District,
Villupuram.
2. The Assistant Elementary Educational
Officer,
Melmalayanur Block,
Villupuram District. ... Appellants

Vs.

1. V. Sujatha
2. The Manager,
St. Ann's Aided Elementary School,
Kadali - 604 210
Melmalayanur Union,
Villupuram District. ... Respondents

Prayer: Writ Appeal as against the order dated 27.03.2018 passed in W.P. No. 7070 of 2018.

Prayer in W.P.No.7070 of 2018:-

Writ Petition under Article 226 of the Constitution of India, praying for the issue of a writ of Mandamus, directing the first respondent to pass orders on the proposal forwarded by the third respondent school dated 06.02.2017 and the subsequent proposal forwarded by the second respondent to 1st respondent in Na.Ka.No.140/A1/2017 dated 13.03.2017 and consequently approve the appointment of petitioner in the post of secondary grade teacher in the 3rd respondent school from the date of appointment on 01.08.2016 with all consequential and other service benefits including payment of arrears of salary along with interest for the belated payment within a time frame to be fixed by this Hon'ble Court.

For Respondents :: Mr.G. Sankaran for R1
 No Appearance for R2

(Judgment of the Court was delivered by K.K. SASIDHARAN, J.)

The Management made appointment in the post of Secondary Grade Teacher without obtaining prior permission from the Government. Thereafter, the Management submitted a proposal dated 06.02.2017 for granting them permission to fill up the post. Since follow-up action was not taken by the appellants, a writ petition was filed by the 1st respondent in W.P. No. 7070 of 2018 for a mandamus to the Education Department to consider the proposal.

2. The learned Single Judge while allowing the writ petition by order dated 27.03.2018 indicated that the appellants must pass orders for approval of the appointment of the 1st respondent . Since there was an indication in the said order that the appellants are bound to approve the appointment, the appellants have come up with this intra-court appeal.

3. We have heard the learned Special Government Pleader on behalf of the appellants. We have also heard the learned counsel for the 1st respondent.

4. None appears on behalf of the 2nd respondent in spite of printing the name of the Management in the cause list.

5. The substantial prayer in the writ petition filed by the 1st respondent was to direct the appellants to pass orders on the proposal dated 06.02.2017. The proposal dated 06.02.2017 was primarily for the purpose of granting permission for filling up the post. The post in question is stated to be the Secondary Grade Teacher. There was no indication in the said proposal that the Management has already appointed a person and that the said appointment should be regularised. The learned Single Judge was therefore not justified in giving an indication that the approval of appointment should be made.

6. We modify the order passed by the learned Single Judge. We direct the appellants to consider the proposal dated

06.02.2017 forwarded by the Management for granting permission to fill up the post of Secondary Grade Teacher, on merits. Such exercise shall be completed on or before 31st May, 2019.

7. The intra-court appeal is allowed to the extent indicated above. No costs. Connected C.M.P. is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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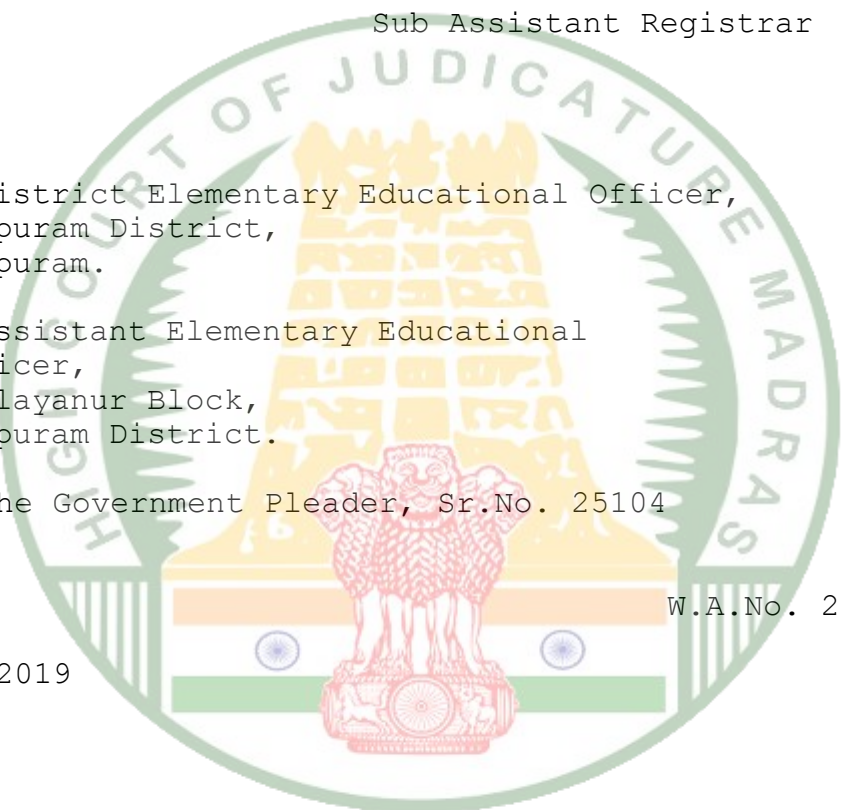
To

1. The District Elementary Educational Officer,
Villupuram District,
Villupuram.
2. The Assistant Elementary Educational
Officer,
Melmalayanur Block,
Villupuram District.

+1 cc to The Government Pleader, Sr.No. 25104

W.A.No. 2760 of 2018

EV(CO)
CSL/25.04.2019

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central image. Below the gopuram, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script. The entire seal is rendered in a light green color.

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