

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2019

CORAM

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.27849 of 2018

and

WMP.No.32374 of 2018

A.Devapriya

...Petitioner

.vs.

1.The Director,
State Council of Education Research and Training,
College Road, Subba Road Avenue,
Chennai-600 006.

2.The Principal,
District Institute of Education and Training,
Kaliyampoondi,
Kanchipuram-603 402.

3.The Principal & Correspondent,
Gnanodhaya Teacher Training Institute,
St. Thomas Mount,
Chennai-600016.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to approve the appointment of petitioner in the post of Junior Assistant in the third respondent Institute from the date of appointment on 17.06.2013 based on the proposal forwarded by third respondent dated 17.07.2013 with all consequential and other attendant benefits including arrears of salary from the date of appointment.

For Petitioner : Mr.G.Sankaran

For Respondents

1 & 2 : Mrs.P.Kavitha,
Government Advocate.

O R D E R

The case of the petitioner is that the petitioner has qualified with B.A., (History) from Madras University and was appointed to the post of Junior Assistant in a regular sanctioned post in third respondent Teacher Training Institute on 17.06.2013. Apart from the petitioner, one Isravel was also

appointed as Office Assistant along with the petitioner on the same date.

2. Consequent to the appointment of petitioner in the post of Junior Assistant, the third respondent has forwarded proposal to the second respondent on 17.07.2013 for approval of her appointment. However, the first respondent has not passed any order of approval till date.

3. While that being so, the department issued orders approving the appointment of the person who was appointed as Junior Assistant along with the petitioner and he has also been assessed with salary grant and paid with salary. However, the petitioner's appointment has not been approved by the department and also she is also working in the third respondent Institute without any salary.

4. The fact remains that the post of Junior Assistant is notified in the approval order to fill up the vacancies issued by the first respondent dated 22.04.2013 and thereby there cannot be any denial of approval of appointment in her favour. Aggrieved by non-approval of her appointment, the petitioner has filed the present writ petition.

5. This Court, by order dated 26.08.2019, directed the respondents 1 & 2 to make payment of the salary to the petitioner with effect from August 2019. It is not in dispute that the petitioner came to be appointed in the regular sanctioned post in the third respondent teacher training institute in the post of Junior Assistant which was originally notified in the approval order to fill up vacancies issued by the first respondent dated 22.04.2013. Therefore, as rightly contented by the learned counsel for the petitioner that there would be absolutely no impediment to the respondent to approve the appointment of the petitioner. In fact, the second respondent has already approved the appointment of one Isravel and came to be appointed along with petitioner as Junior Assistant whereas, the petitioner appointment alone has not been approved.

6. Considering the facts and circumstances and the matter has been pending from the year 2013 for approval of the appointment of the petitioner and despite the direction of this Court to grant salary to the petitioner, the same has not been complied with, this Court feels it appropriate to direct the second respondent to consider the proposals dated 17.07.2013 sent by the third respondent and pass appropriate orders forthwith.

7. Accordingly, the Writ Petition is disposed of, directing

the second respondent to consider the proposals dated 17.07.2013 sent by the third respondent for approval of the appointment of the petitioner and pass appropriate orders therein, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

bkn

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director,
State Council of Education Research and Training,
College Road, Subba Road Avenue,
Chennai-600 006.
- 2.The Principal,
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Kanchipuram-603 402.
- 3.The Principal & Correspondent,
Gnanodhaya Teacher Training Institute,
St. Thomas Mount,
Chennai-600016.

+1cc to Mr.G.Sankaran, Advocate, SR.No. 42615
+1cc to the Govt.Pleader, Vide Sr.No.82289

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Kak(07/11/2019)

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