

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30711 of 2018

And

W.M.P.No.35837 of 2018

J.Prakash

... Petitioner

Vs.

1.The District Educational Officer,
Office of the District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

2.The Manager,
RCM Schools,
Catholic Bishop's House,
No.34, Anna Salai, (Officers Line),
Vellore - 632 001.

3.The Correspondent,
Dominic Savio Higher Secondary School,
Chetpet - 606 801,
Thiruvannamalai District.

4.G.Gnanagandarvan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to act on the proposal dated 21.08.2017 submitted by the third respondent by according approval to the petitioner, Working as Physical Director in Dominic Savio Higher Secondary School, Chetpet - 606 801, Vellore District, w.e.f.22.06.2017.

For Petitioner : Mr.R.Muthukumar

For Respondents : Ms.P.Kavitha
Government Advocate
M/s.A.Arul Mary for R2

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the first respondent to act on the proposal dated 21.08.2017 submitted by the third respondent by according approval to the petitioner, Working as Physical Director in Dominic Savio Higher Secondary School, Chetpet - 606 801, Vellore District, with effect from 22.06.2017.

2.The case of the petitioner is that the third respondent School is a Minority Educational Institution governed under Article 30 (1) of the Constitution of India. The petitioner was appointed as Physical Director in the third respondent School with effect from 22.06.2017 in the vacancy arising out of the retirement of one Mr.J.Patric Durai on 31.05.2017. Thereafter, proposal for approval of the petitioner's appointment in the said School was forwarded to the educational Authorities on 21.08.2017, however, the said proposal is still pending. Aggrieved by the inaction on the part of the respondents, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that one un-successful candidate by name G.Gnanagandarvan/ the fourth respondent filed writ petition in W.P.No.18229 of 2017 before this Court and in view of the pendency of the said writ petition, the respondents did not accord approval in favour of the petitioner.

4.The learned counsel appearing for the petitioner would further submit that in W.P.No.18229 of 2017, the learned counsel appearing for the second respondent had submitted that in future selection process, the petitioner therein/ G.Gnanagandarvan will be given priority and as per his qualification, his candidature will be considered and by recording the same, this Court has today (04.11.2019) disposed of the said writ petition. Hence, there is no legal impediment for the first respondent to consider the proposal for approval of the petitioner's appointment. Accordingly, he prayed for appropriate orders.

5.The learned Government Advocate appearing for the first respondent would submit that the proposal forwarded by the third respondent will be considered in accordance with law and appropriate orders will be passed within a period of twelve weeks from the date of receipt of a copy of this order.

6.In view of the above, I am inclined to issue direction to the first respondent to consider the proposal forwarded by the third respondent in accordance with law and to pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

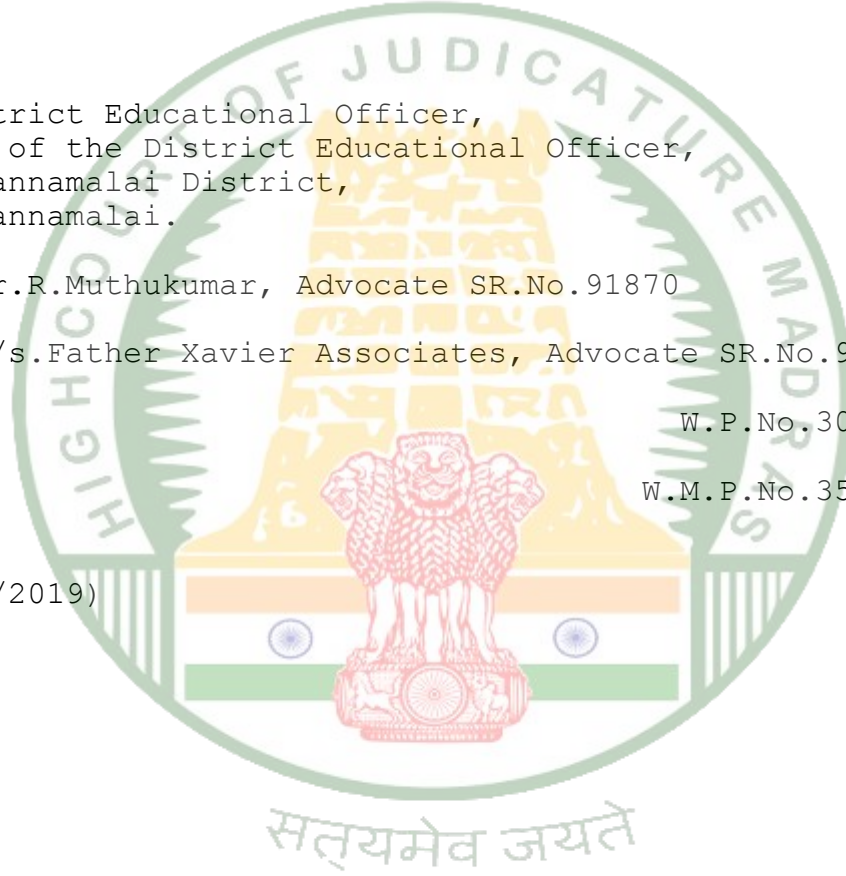
1.The District Educational Officer,
Office of the District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

+1cc to Mr.R.Muthukumar, Advocate SR.No.91870

+2cc to M/s.Father Xavier Associates, Advocate SR.No.91086

W.P.No.30711 of 2018
And
W.M.P.No.35837 of 2018

NRL (CO)
GMY (04/12/2019)



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