

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 12.06.2019****CORAM:****THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR****W.P. (MD)No.13124 of 2019**

S.Thiruramalingam

.. Petitioner

Vs.

1. The Joint Director of School Education (Elementary),
College Road, Chennai.
2. The Chief Educational Officer,
Tirunelveli Educational District,
Tirunelveli.
3. The District Elementary Educational Officer
now designated as The District Educational Officer,
Cheranmahadevi Educational District,
Tirunelveli.
4. The Assistant Elementary Educational Officer,
now designated as Block Educational Officer,
Alangulam Educational District,
Alangulam, Tirunelveli.

.. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to dispose of the proceeding forwarded by the 3rd respondent in Na.Ka.No.984/AA5/2018, dated 24.04.2018 within stipulated period as fixed by this Court by extending the benefit of G.O.Ms.No.17, dated 20.01.2011 to the petitioner.

For Petitioner : Mr.S.Chellapandian
For Respondents : Mrs.S.Srimathy,
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition for issuance of Writ of mandamus, directing the 1st respondent to dispose of the proceeding forwarded by the 3rd respondent in Na.Ka.No.984/AA5/2018, dated 24.04.2018 within stipulated period as fixed by this Court by extending the benefit of G.O.Ms.No.17, dated 20.01.2011 to the petitioner.



2.The petitioner was appointed as a Headmaster due to the retirement caused by one Ramalingam on 11.03.1994. The proposal was submitted to the then District Elementary Educational Officer for approval. The third respondent had submitted the proposal of relaxation of five years of teaching experience to the second respondent and the same has been rejected by order, dated 24.11.2009. Challenging the said order, the petitioner preferred a writ petition in W.P.(MD).No.3425 of 2011 before this Court and the same was allowed on 17.04.2012 and directed the respondents to extend the benefit rendered in G.O.Ms.No.17, dated 20.01.2011 to the petitioner. Aggrieved by the same, the department has preferred writ appeal in W.A.(MD).No.880 of 2015 before this Court and the same was dismissed on 12.02.2016.

3.Pursuant to the order, dated 17.04.2012, passed in W.P.(MD).No.3425 of 2011, the petitioner has filed a contempt petition before this Court. In order to avoid the contempt proceedings, the respondent has passed an order in favour of the petitioner on 14.05.2012. But, once again they cancelled the above said order citing the pendency of the Writ Appeal. Challenging the said order, the petitioner has once again preferred a writ petition in W.P.(MD).No.1659 of 2013 and the same was dismissed on 28.02.2018. Aggrieved over the same, writ appeal has been filed and the same is pending before this Court. But, pursuant to the judgment passed in the W.A.(MD).No.880 of 2015, dated 12.02.2016, the third respondent has forwarded the petitioner's proposal for relaxation of five years of teaching experience in par with G.O.Ms.No.17, dated 20.01.2011, by proceedings Na.Ka.No.984/AA5/2018, dated 03.03.2018 and 24.04.2018 and so far the first respondent has not passed any orders. Hence, this writ petition has been filed.

4.The learned Special Government Pleader appearing for the respondents would submit that the petitioner has to satisfy certain conditions even for approving his appointment to the post of Headmaster. Unless the petitioner satisfied the conditions, the appointment shall not be approved by the authority concerned. Now, the proposal still pending with the first respondent. If the said proceeding is pending with the first respondent, the same shall be consider on merits and in accordance with law.

5.By considering the facts and circumstances of the case, the first respondent is directed to consider the proposal of the third respondent in Na.Ka.No.984/AA5/2018, dated 24.04.2018, on merits and in accordance with law and pass appropriate orders as expeditiously as possible within a period of 10 weeks from the date of receipt of a copy of this order. It is made clear that if the said proposal is already disposed of by the first respondent, no fresh order shall be passed.



6. With the above direction, this writ petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (Crl.Side)

Sub Assistant Registrar (CS)

TM

To

1. The Joint Director of School Education (Elementary),
College Road, Chennai.
 2. The Chief Educational Officer,
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Tirunelveli.
 3. The District Elementary Educational Officer
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Cheranmahadevi Educational District,
Tirunelveli.
 4. The Assistant Elementary Educational Officer,
now designated as Block Educational Officer,
Alangulam Educational District,
Alangulam, Tirunelveli.
- + 1 CC to Mr.Chellapandian, Advocate in SR.No.68726
- + 1 Cc to Special Government Pleader, in Sr.No.68589

W.P(MD)No.13124 of 2019

12.06.2019

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