



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

WP(MD)No.8363 of 2018

A.Arul Vinod Kumar

... Petitioner

Vs.

1.The Chief Educational Officer,
Sivagangai @ Sivagangai District.

2.The District Educational Officer,
Sivagangai, Sivagangai District.

3.The Secretary,
Okkur Vellaiyappan Chettiar Higher Secondary School,
Manamadurai, Sivagangai District. ... Respondents

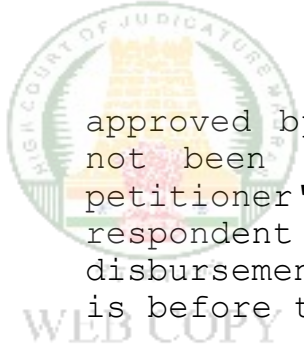
PRAYER: Writ Petition filed under Article 276 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to approve the appointment dated 25.09.2015 of the petitioner as PG Assistant (Zoology) teacher in the third respondent school and consequently direct the respondents to disburse the monthly salary to the petitioner along with arrears of salary from the date of his appointment (i.e. from 25.09.2015) by considering his representation dated 02.04.2018 and in view of the proceeding of the third respondent in ந.க.எண்.நே.ந.1/2015 dated 25.09.2015.

For Petitioner	: Mr.N.Sathish Babu
For R1 & R2	: Mrs.S.Srimathy
	Special Government Pleader
For R3	: Mr.D.Srinivasa Ragavan

ORDER

The petitioner has come forward with the present Writ Petition seeking to direct the second respondent to approve the appointment of the petitioner as PG Assistant (Zoology) in the third respondent school with effect from 25.09.2015 and also consequently prayed to disburse the monthly salary to the petitioner along with arrears from 25.09.2015 by considering his representation dated 02.04.2018 and in view of the proceeding of the third respondent in ந.க.எண்.நே.ந.1/2015, dated 25.09.2015.

2. According to the petitioner, the petitioner was working as a PG Assistant (Zoology) in the third respondent School on 25.09.2015. The grievance of the petitioner is that his appointment has not been



approved by the second respondent and also his monthly salary has not been disbursed by the third respondent School. Since the petitioner's representation dated 02.04.2018 to the second respondent requesting his approval of the appointment and also disbursement of the salary is not considered so far, the petitioner is before this Court.

3.The learned counsel appearing for the third respondent filed a detailed counter affidavit, wherein, Paragraph No.5 reads as follows:-

"5.I submit that, thus being the situation, the Secretaryship of my post came to be expired on 31.08.2015 and on the very same day, I send a letter to the second respondent seeking renewal of School Committee and secretaryship and the said request has also been not considered for a long time. However, I am under the legitimate expectation that, my Secretaryship would be renewed and continuously, I have been serving the Secretary of the third respondent School. In these circumstances, one of the member of our School Committee namely, V..R.Chinathamani Chettiar created problem with other School Committee members, with a view to snatching the power of the School and to that effect send baseless complaints to the first and second respondents. In view of the same, the School Committee has not been renewed and the second respondent introduced direct payment to the third respondent School by his order dated 01.12.2015."

4.The admitted position is that the petitioner came to be appointed as P.G.Assistant (Zoology) on 25.09.2015 and hence, necessary orders to be passed by the second respondent.

5.Under such circumstances, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 02.04.2018 on merits and in accordance with law and pass necessary orders after affording due opportunity of hearing to the petitioner, preferably, within a period of six weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Chief Educational Officer,
Sivagangai @ Sivagangai District.

2.The District Educational Officer,
Sivagangai, Sivagangai District.

+1 CC to M/s.N.SATHISH BABU, Advocate (SR-51939[F] dated 06/03/2019
)

ORDER MADE IN

WP (MD) No. 8363 of 2018

TSG

KK/SAR-/25.03.2019/3P-4C