



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN****W.P(MD)No.6813 of 2019**

J.Justin Vijaykumar

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-6.2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.3.The District Educational Officer,
Kuzhithurai, Kanyakumari District.4.The Corporate Manager of Schools,
Kanyakumari Diocese, C.S.I.,
Diocesan Office, 71 A, Dennis Street,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 to 3 herein to regularize the appointment of the petitioner herein as B.T. Assistant with effect from 27.07.2000 and pay salary from 27.07.2000 to 10.10.2001 by considering the representation of the petitioner dated 19.01.2019 on merits and in accordance with law and in the light of the order dated 04.07.2011 in W.P.(MD)No.384 of 2006 passed by this Court.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mrs.S.Srimathy
Special Government Pleader**ORDER**

This writ petition has been filed seeking a direction to the respondents 1 to 3 for regularization of the petitioner's appointment as B.T. Assistant from the date of his initial appointment and pay salary from 27.07.2000 to 10.10.2001 by



considering his representation dated 19.01.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

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3. The case of the petitioner is as follows:

(i) The petitioner was appointed as B.T. Assistant (Tamil) on 27.07.2000 in L.M.S. Higher Secondary School, Mathicode, Kanyakumari District, in a sanctioned vacancy caused due to a retirement. The fourth respondent has sent a proposal to the third respondent for approval of the petitioner's appointment. However, the third respondent orally rejected the fourth respondent's request stating that there are surplus teachers in the fourth respondent management.

(ii) Thereafter, with continuity of service, on 11.10.2001, the petitioner was appointed as BT Assistant (Tamil) in the RT Higher Secondary School, Mylaudy, Kanyakumari District in a sanctioned vacancy arose due to the death of one Robinson. Again, approval for the petitioner's appointment was sent to the third respondent and the third respondent has orally rejected the request by taking the same stand that there are surplus teachers in the fourth respondent school.

(iii) On 05.06.2002, again the fourth respondent appointed the petitioner with continuity of service in the R.T. Higher Secondary School, Maylaudi in a sanctioned vacancy. But the third respondent approved the petitioner's appointment only with effect from 05.06.2002. Seeking regularization of his appointment from the date of his initial appointment as B.T. Assistant (Tamil) on 27.07.2000 till 10.10.2001 and from 11.10.2001 to 04.06.2002, the petitioner has filed this writ petition.

3. The learned counsel for the petitioner brought to the notice of this Court an order dated 04.07.2011 made in W.P.(MD)No.384 of 2006 granting approval from the period of initial appointment of a similarly placed person and submitted that the petitioner has sent a representation dated 19.01.2019, seeking approval of his service from 27.07.2000 to 10.10.2001 and from 11.10.2001 to 04.06.2002 and to regularize his appointment with effect from 27.07.2000, to the respondents. However, the respondents have not been responded to the same.

4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the representation of the petitioner would be considered, on merits and appropriate orders be passed by the respondents.

5. In view of the above submission, this Court without going into the merits of this case, directs the respondents to consider the petitioner's representation dated 19.01.2019 and pass appropriate orders on merits and in accordance with law, within a



period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

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

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of School Education,
College Road, Chennai-6.

2. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3. The District Educational Officer,
Kuzhithurai, Kanyakumari District.

4. The Corporate Manager of Schools,
Kanyakumari Diocese, C.S.I.,
Diocesan Office, 71 A, Dennis Street,
Nagercoil, Kanyakumari District.

+1cc to Mr. T. Pon Ramkumar, Advocate, SR.No. 60853

+1cc to M/s. Special Government Pleader, SR.No. 60971

W.P (MD) No. 6813 of 2019

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KK/SAR/21.05.2019/ 3P- 7C

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