



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.13442 of 2018
and W.M.P (MD) No.12257 of 2018

R.Theivanai

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Pudukkottai District, Pudukkottai.

3.The District Educational Officer,
Pudukkottai, Pudukkottai District.

4.The Secretary,
V.V.Higher Secondary School,
Ponnamaravathi - 622 407,
Pudukkottai District.

... Respondents

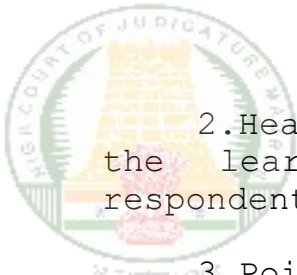
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to pass orders for approval of appointment of petitioner in the post of PG Assistant (Tamil) in the fourth respondent School from the date of initial appointment on 06.01.2015 with all service benefits including arrears of salary along with interest by considering the representation submitted by the petitioner, dated 20.08.2015 within the time frame fixed by this Court.

For Petitioner : Mr.F.Deepak

For RR 1 to 3 : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents 1 to 3 to approve the petitioner in the post of PG Assistant (Tamil) in the fourth respondent School from the date of initial appointment on 06.01.2015 with all service benefits including arrears of salary along with interest by considering her representation, dated 20.08.2015 within the time frame fixed by this Court.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

3. Pointing out the pendency of the Writ Petition in W.P(MD)No.20882 of 2014, the petitioner's approval of appointment was not considered. Hence, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner has brought to the notice of this Court, the order, dated 04.04.2017 passed in the above referred writ petition, wherein at paragraph No.4, it is stated as follows:-

"4. In such view of the matter, memorandum of compromise is being made as part of the order and all the writ petitions are closed in terms of the compromise memo recorded and signed by all the parties to the dispute. The Educational Authority shall take note of the compromise entered between the parties concerned in the present Writ Petitions and shall pass appropriate orders on the basis of any application being filed by the parties concerned and the decision taken in this regard shall be communicated to the parties concerned within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed. No costs."

5. Hence, the pendency of the above writ petition cannot be a ground for not approving the appointment. In such view of the matter, the respondents are directed to pass appropriate orders on the representation of the petitioner, dated 20.08.2015 with regard to approval of the appointment, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

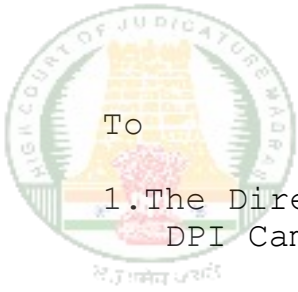
Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

ps



To

1.The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Pudukkottai District, Pudukkottai.

3.The District Educational Officer,
Pudukkottai, Pudukkottai District.

4.The Secretary,
V.V.Higher Secondary School,
Ponnamaravathi - 622 407,
Pudukkottai District.

+1CC TO MR.G.SANKARAN, Advocate Sr. No. 53462

W.P (MD) No.13442 of 2018
12.03.2019

TR (08.04.2019) 3P 6C