



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.5560 of 2015

Dhanapaul Middle School,
No.5, Sulthan Nagar,
Bibi Kulam, Madurai - 2,
through its Correspondent,
David Ayyadurai.

... Petitioner

vs.

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

2.The District Elementary Education Officer,
Madurai.

3.The Assistant Elementary Educational Officer,
Madurai West,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the 2nd Respondent to approve the appointment by promotion of Mr.A.Fidelis as B.T Assistant in the petitioner's school with effect from 10.06.2013 with all consequential benefits as per proposal resubmitted by the petitioner to the 3rd respondent dated 20.11.2014 in the light of the reported judgment in CTC 2006(5) 504.

For Petitioner	:	Mr.K.K.Kannan
For Respondents	:	Mrs.S.Srimathy Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the second respondent to approve the appointment of A.Fidelis as B.T.Assistant in the petitioner's school by promotion, with effect from 10.06.2013 with all consequential benefits, as per the proposal resubmitted by the petitioner to the third respondent dated 20.11.2014, in the light of the judgment reported in CTC 2006



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

3. The case of the petitioner is that the petitioner-school has appointed one A. Fidelis as B.T. Assistant by promotion and seeking approval of the said incumbent, the petitioner-school submitted a proposal to the third respondent on 24.09.2014 and the same has been returned by the proceedings dated 11.11.2014, stating that subject roster should be followed as per G.O.Ms.Nos.240 and 144. Thereafter, the petitioner-school, resubmitted the proposal to the third respondent on 20.11.2014, clarifying all the queries. Since there was no action on the part of the third respondent, the petitioner-school sent a representation to the first respondent on 21.01.2015. Even then, there is no response from the respondents so far. Hence, this writ petition has been filed.

4. The learned Special Government Pleader appearing for the respondents submitted that in view of the stand taken by the second respondent in the counter affidavit, the petitioner's case cannot be considered. Such a stand taken by the second respondent is stoutly refuted by the learned counsel appearing for the petitioner.

5. Irrespective of the submissions made on either side, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 21.01.2015, in the light of the proposal resubmitted by the petitioner-school dated 20.11.2014 and pass appropriate orders on merits and in accordance with law within a period eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar (CS)

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To

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



2.The District Elementary Education Officer,
Madurai.

3.The Assistant Elementary Educational Officer,
Madurai West,
Madurai.

+1CC TO MR.K.K.KANNAN, Advocate Sr. No.59692

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.59895

W.P(MD) No.5560 of 2015

08.04.2019

DB(CO)

TR (09.05.2019) 3P 6C