



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos. 10043 to 10052 of 2019

and

Connected miscellaneous petitions

WEB COPY

Smt.A.Parkavi ... Petitioner in WP(MD).No.10043 of 2019
P.Karthick ... Petitioner in WP(MD).No.10044 of 2019
D.Karthik ... Petitioner in WP(MD).No.10045 of 2019
B.Jayanthi ... Petitioner in WP(MD).No.10046 of 2019
S.Aravindhan ... Petitioner in WP(MD).No.10047 of 2019
Smt. P.Punitha ... Petitioner in WP(MD).No.10048 of 2019
K.Alagar ... Petitioner in WP(MD).No.10049 of 2019
R.Vasanth Kumar ... Petitioner in WP(MD).No.10050 of 2019
K.Ragunathan ... Petitioner in WP(MD).No.10051 of 2019
R.Mala ... Petitioner in WP(MD).No.10052 of 2019

- Vs. -

1. The Director, School Education Department, Dpi Campus, College Road, Chennai.
2. The Chief Educational Officer O/o. the Chief Educational Officer, Madurai Road, Trichy - 8
- 3.The District Educational Officer, O/o. the District Educational Officer, Old District Collectors Office Campus, Cantonment, Trichy - 1.
4. National College Higher Secondary School, Rep. by its Secretary, College Road, Chatram Bus Stand, Tiruchirappalli 620 002.

...Respondents in All Cases

Prayer in WP(MD).No.10043 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6646/A3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as Record Clerk in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.

Prayer in WP(MD) .No.10044 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6648/A3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as Office Assistant in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.

Prayer in WP(MD) .No.10045 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6651A/A3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as Sweeper in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.

Prayer in WP(MD) .No.10046 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6653/A3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as scavenger in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.

Prayer in WP(MD) .No.10047 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6649/A3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as Office Assistant in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.

Prayer in WP(MD) .No.10048 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6645/A3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as Library Clerk in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.

Prayer in WP(MD) .No.10049 of 2019 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6644/Aa3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as Junior Assistant in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.

Prayer in WP(MD).No.10050 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6650/Aa3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as Waterman in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.

Prayer in WP(MD).No.10051 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6647/AA3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as Office Assistant in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance.



Prayer in WP(MD).No.10052 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in O.Mu.No.6652/Aa3/2018, dated .02.2019 signed on 07.02.2019 is illegal and quash the same and consequently direct the respondents 2 and 3 herein to grant approval for the appointment of petitioner as junior assistant in the 4th respondent school w.e.f. 25.05.2018 with all attendant and monetary benefits including the arrears of salary and allowance
(in all cases)

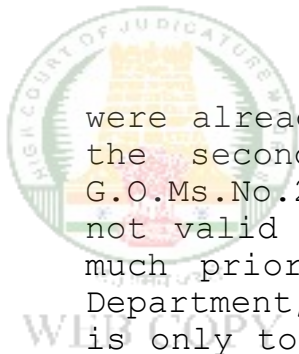
For Petitioner : Mr.S.Manikandan
For R1 to R3 : Mr.A.Thiyagarajan,
Government Advocate

COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same and therefore, these Writ Petitions are heard together and disposed of by way of this common order.

2.These writ petitions are filed challenging the return of the second respondent, returning the proposal for approval of appointment of the petitioners, submitted by the fourth respondent through the third respondent to the second respondent.

3. According to the learned counsel for the petitioners, the petitioners are working as Record Clerk, Office Assistant, Sweeper, Scavenger, Office Assistant, Library Clerk, Junior Assistant, Waterman, Office Assistant and Junior Assistant in the fourth respondent School and they were appointed on 25.05.2018 in a sanctioned posts due to voluntary retirement of V.Santhanam, retirement of A.Mahamuni, Promotion of S.Akila, death of M.Maruthai, Death of S.Sankaran, retirement of R.Rajyaiyan, promotion of K.Rajini, retirement of S.Venkatesan, retirement of M.Mohammed Ismail and retirement of G.Kannan respectively. The fourth respondent sent a proposal to the third respondent for approving the appointments of the petitioners. The third respondent returned the proposal on two occasions, raising certain queries. The fourth respondent after rectifying the queries pointed out by the third respondent, resubmitted the proposal to him. The third respondent after verifying the proposal submitted by the fourth respondent and finding the same in order, forwarded the same to the second respondent. The second respondent returned the said proposal, raising the very same queries raised by the third respondent, which



were already complied with by the fourth respondent. The action of the second respondent, in returning the proposal, relying on G.O.Ms.No.238, School Education (D1) Department, dated 13.11.2018 is not valid and legal. The petitioners were appointed in May 2018 much prior to the date of G.O.Ms.No.238, School Education (D1) Department, dated 13.11.2018. The intention of the second respondent is only to prevent the petitioners from receiving the salary as per the aid granted and prayed for approving the appointments of the petitioners in the sanctioned post as stated above with effect from their date of appointment with attendant and monetary benefits including the arrears of salary and allowance.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

5. From the materials on record and typed set of papers filed in the writ petitions, it is seen that the proposal sent by the fourth respondent for approving the appointments of the petitioners was returned by the third respondent twice and subsequently, it was resubmitted by the fourth respondent after rectifying the queries raised by the third respondent. The third respondent after finding the same in order, forwarded the same to the second respondent. The second respondent, on erroneous consideration, returned the said proposal for raising certain queries when the third respondent after being satisfied with the proposal submitted by the fourth respondent is in order. From the typed set of papers, it is seen that the petitioners have filed all the documents.

6. For the above reasons, the impugned return order passed by the second respondent is quashed and the fourth respondent is directed to resubmit the proposal, within a period of two weeks from the date of receipt of a copy of this order along with documents to the second respondent through the third respondent. On such re-submission of proposal by the fourth respondent, the second respondent is directed to pass orders on the proposal, within a period of two weeks thereafter.

7. In the result, all the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Director,
School Education Department,
D.P.I.Campus, College Road,
Chennai.
- 2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Madurai Road,
Trichy-8.
- 3.The District Educational Officer,
Office of District Educational Officer,
Old District Collector's Office Campus,
Cantonment,
Trichy-1.
- 4.The Secretary,
National College Higher Secondary School,
College Road,
Chatram Bus Stand,
Tiruchirappalli 620 002.

+1cc to M/s.Special Government Pleader,SR.No. 92473

W.P(MD)Nos. 10043 to 10052 of 2019
16.10.2019

KK/SAR/05.11.2019/7P-6C/