



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADDEVAN

W.P(MD) No.18418 of 2017

The Correspondent,
St.Joseph's Higher Secondary School
Vizhunthayambalam
Kanyakumari District.

... Petitioner

vs.

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

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd Respondent herein to approve the appointment of M.Leema Rose as BT. Assistant (History) in the petitioner-school from 03.07.2017 onwards with salary and other attendant benefits.

For Petitioner : Mr.E.V.N.Siva

For Respondents: Mrs.S.Srimathy
Special Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the third respondent to approve the appointment of M.Leema Rose as B.T.Assistant (History) in the petitioner-school from 03.07.2017 onwards with salary and other attendant benefits.

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



3.The case of the petitioner is that the petitioner-school has appointed one M.Leema Rose as B.T.Assistant (History) and seeking approval of the said incumbent, the petitioner-school submitted a proposal to the third respondent and the same was returned seeking certain clarifications. The petitioner-school resubmitted the proposal along with appropriate explanations to the third respondent and even thereafter, the proposal is pending without passing any orders. Hence, the petitioner is before this Court.

4.The learned Counsel on either side submitted that the issue involved in this writ petition is squarely covered by the decision of this Court in **S.Rasheetha Banu Vs. State of Tamil Nadu rep.by its Secretary to Government, Chennai - 600 009 and others** reported in **(2012) 4 MLJ 198**. It is appropriate to refer to the operative portion of the order, which reads as follows:

"9.In the result, the writ petition is allowed and the third respondent is directed to approve the appointment of the petitioner as Secondary Grade Teacher with effect from 01.04.1998 with salary and other benefits. It is made clear that if any post is to be re-allotted to the fifth respondent school with retrospective effect, the second respondent is directed to do the same so as to enable the third respondent to approve the appointment. Since the petitioner is still in service, the fifth respondent school is directed to send salary bill of the petitioner from 01.04.1998 through the fourth respondent, who in turn is directed to forward the same to the third respondent for appropriate orders. The entire exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order. "

5.Following the same, this writ petition is disposed of with a direction to the third respondent to consider the proposal sent by the petitioner-school and pass appropriate orders, on the same line as observed in the decision cited supra, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

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

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

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

1CC TO MR. E.V.N. SIVA, ADVOCATE SR 54485
1CC TO THE SPL GOVT PLEADER SR 54613

KK
15/04/2019
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