



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.09.2019
CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19185 of 2019

Everest Mariyappa Nadar Higher Secondary School,
Rep. by its Secretary,
Jothi Nagar, Kovilpatti,
Tuticorin District.

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

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

3. The Chief Educational Officer,
Tuticorin, Tuticorin District.

4. The District Educational Officer,
Kovilpatti, Tuticorin District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the third respondent herein to pass orders on the proposal submitted by the Petitioner School, dated 24.01.2019, seeking approval to the appointment of K.Periyasamy as B.T. Assistant (Maths) from 23.01.2019 onwards with salary and other attendant benefits.

For Petitioner	: Mr.E.V.N.Siva
For Respondents	: Mr.A.Thiagarajan Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the third respondent herein to pass orders on the proposal submitted by the petitioner School, dated 24.01.2019, seeking approval to the appointment of one K.Periyasamy as B.T. Assistant (Maths) from 23.01.2019 onwards with salary and other attendant benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner School is a recognized private aided School governed by the provisions of the Tamil Nadu Recognised Private



Schools (Regulation) Act and Rules. Among the sanctioned posts in the petitioner School, one Secondary Grade Teacher post in Standards VI to VIII fell vacant on 12.11.2014 due to the retirement of the previous incumbent one P.Vijaya. In view of new norms set out by the State Government, the posts of Secondary Grade Teachers should be upgraded as B.T. Assistant as and when fell vacant and accordingly, the petitioner School submitted proposal seeking prior permission to fill up the post of B.T. Assistant by direct recruitment in terms of Rule 15(4)(1)(c) of the Tamil Nadu Recognised Private Schools (Regulation) Rules. The third respondent, by the proceedings in Mu.Mu.No.7033/A3/2018, dated 19.12.2018, granted permission to fill up the post as B.T. Assistant (Maths) on condition that the post should be filled up immediately without any delay and the proposal should be submitted within five days from the date of appointment. Accordingly, the petitioner School appointed one K.Periyasamy as B.T. Assistant (Maths) after due process of law in the sanctioned post from 23.01.2019 and sent proposal along with all the necessary documents for approval to the appointment of the said K.Periyasamy as B.T. Assistant (Maths) on 24.01.2019 to the third respondent through the fourth respondent. Thereafter, the petitioner has also sent a reminder on 04.07.2019, but, no order has been passed on the said proposal so far. Hence, the present Writ Petition.

3.Considering the abovesaid facts and circumstances of the case and the earlier proceedings dated 19.12.2018, the respondents are directed to pass orders on the proposal submitted by the petitioner School, within a period of two weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

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



3.The Chief Educational Officer,
Tuticorin, Tuticorin District.

4.The District Educational Officer,
Kovilpatti, Tuticorin District.

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