



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19836 of 2019

and

W.M.P. (MD) No.16340 of 2019

M.Muthumani

... Petitioner

-Vs-

- 1.The Director of School Education,
Directorate of School Education,
Chennai-6.
- 2.The Joint Director of Higher Secondary
School Education,
Chennai-6.
- 3.The Chief Educational Officer,
Tuticorin District.
- 4.The District Educational Officer,
Tuticorin, Tuticorin District.
- 5.Karappettai Nadar Higher Secondary School,
Tuticorin, Represented by its Secretary,
N.T. Selvaraj,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the fourth respondent in his proceedings in அதிமு.எண் 4374/ஆ3/19, dated 22.07.2019 and quash the same as illegal and further direct the respondents 3 and 4 herein to approve the appointment of the petitioner as Vocational Instructor in Karappettai Nadar Higher Secondary School, Tuticorin with effect from 01.07.2019 based on the proposal dated 17.07.2019 forwarded by the 5th respondent herein.

For Petitioner	: Mr.V.Meenakshi Sundaram
For R1 to R4	: Mr.A.Thiagarajan, Government Advocate.



ORDER

The order of the fourth respondent dated 22.07.2019 is sought to be quashed in the present Writ Petition and a direction is sought for to direct the respondents 3 and 4 to approve the appointment of the petitioner as Vocational Instructor in the 5th respondent School with effect from 01.07.2019, based on the proposal dated 17.07.2019 forwarded by the 5th respondent.

2. According to the petitioner, in the 5th respondent School, due to retirement of one Maria Beno on 30.06.2015, one post of Vocational Instructor fell vacant from 01.07.2015. The 5th respondent School has appointed the petitioner in that vacancy on 01.07.2019 and sent a proposal dated 17.07.2019, seeking approval of the appointment of the petitioner along with necessary documents to the respondents 1 to 4. In view of the order passed in W.A.(MD) Nos.1711 and 1712 of 2018, the present Secretary of the 5th respondent School has got every power to appoint teaching and non-teaching staff in the 5th respondent school. The petitioner is entitled to hold the post of Vocational Instructor. While so, the fourth respondent has returned the proposal submitted by the 5th respondent on 17.07.2019, by the impugned order dated 22.07.2019. Challenging the same, the petitioner has come out with the present Writ Petition.

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

4. From the materials on record, it is seen that the fourth respondent has returned the proposal submitted by the 5th respondent School for rectifying certain defects. Now, it is for the 5th respondent School to rectify the defects pointed out by the fourth respondent and resubmit the proposal.

5. For the above reasons, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Myr



To

1.The Director of School Education,
Directorate of School Education,
Chennai-6.

2.The Joint Director of Higher Secondary
School Education,
Chennai-6.

3.The Chief Educational Officer,
Tuticorin District.

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

5.The Secretary,
Karappettai Nadar Higher Secondary School,
Tuticorin,
Tuticorin District.

+1 CC to SPL GP SR-95484.

+1 CC to M/s.D. NALLATHAMBI, Advocate SR-95645.

W.P. (MD) No.19836 of 2019
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