



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20015 of 2019

G.W.Merline

... Petitioner

vs.

- 1.The Chief Educational Officer,
Kanyakumari District.
- 2.The District Educational Officer,
Nagercoil, Kanyakumari District.
- 3.The Corporate Manager,
Corporate Management Schools,
CSI Diocese of Kanyakumari,
71-A, Dennis Street,
Nagercoil - 629 001,
Kanyakumari District.
- 4.The Correspondent,
Duthie Higher Secondary Schools for Girls,
Nagercoil - 629 001, Kanyakumari District.
- 5.J.Jasmine

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 herein to approve forthwith the appointment of the petitioner herein as Post Graduate Assistant (Physics) from 13.06.2017 onwards with salary and other attendant benefits subject to the final orders passed in W.P(MD)No.6064 of 2017 filed by the fifth respondent herein.

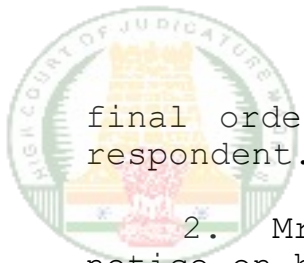
For Petitioner : Mr.E.V.N.Siva

For RR 1 & 2 : Mr.A.Thiyagarajan
Government Advocate.

For RR 3 & 4 : Mr.S.C.Herold Singh

ORDER

This writ petition is filed seeking for a Writ of Mandamus, to direct the respondents 1 and 2 to approve the appointment of the petitioner as Post Graduate Assistant (Physics) from 13.06.2017 onwards with salary and other attendant benefits subject to the



final orders passed in W.P(MD)No.6064 of 2017 filed by the fifth respondent.

2. Mr.A.Thiyagarajan, learned Government Advocate accepts notice on behalf of the respondents 1 and 2 and Mr.S.C.Herold Singh, learned counsel accepts notice on behalf of the respondents 3 and 4. In view of the limited scope of the relief sought for in the present writ petition by the petitioner and no adverse order is going to be passed in the present writ petition against the fifth respondent, notice to the fifth respondent is dispensed with.

3. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

4. According to the petitioner, she is working as a Post Graduate Assistant (Physics) in the fourth respondent School from 13.06.2017 in a sanctioned post, which fell vacant on 31.05.2017 on account of retirement of one Tmt.K.Sumathy. The fourth respondent School, being a minority Educational Institution, appointed the petitioner as P.G Assistant in the above said sanctioned vacancy from 13.06.2017 and the petitioner joined on the same day and discharging her duties. While so, the fourth respondent submitted a proposal to the second respondent on 21.12.2017 seeking approval of the petitioner's appointment as P.G Assistant and for disbursement of grant-in-aid towards her salary. The second respondent by proceedings, dated 19.01.2019 returned the proposal seeking certain particulars with regard to pendency of the writ petition in W.P(MD) No.6064 of 2017 filed by the fifth respondent. The said proposal was re-submitted by the fourth respondent on 12.07.2019. From that date, the second respondent has not passed any order.

5. According to the petitioner, the fifth respondent, who is working as Lecturer in CSI Institute of Technology (Engineering College), challenged the appointment of the petitioner dated 13.06.2017 in W.P(MD)No.6064 of 2017. This Court by order dated 14.11.2017 passed an interim order in the said Writ Petition to the effect that any proceedings taking place subsequent to the impugned appointment dated 13.06.2017 are subject to the result of the Writ Petition. In view of the interim order granted by this Court, there is no impediment to approve the appointment of the petitioner subject to the result of the writ petition in W.P(MD)No.6064 of 2017. Subsequently, the first respondent informed the fourth respondent that proposals will be considered subject to the result of the writ petition in W.P(MD)No.6064 of 2017. Since no order has been passed by the respondents 1 and 2 on the proposal so far and she is working without salary from 13.06.2017, the petitioner has come up with the present Writ Petition.

6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and Mr.S.C.Herold Singh, learned counsel appearing for the



respondents 3 and 4.

7.Considering the contentions of the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4, the respondents 1 and 2 are directed to consider the proposal of the petitioner and pass orders on merits and in accordance with law, after hearing the petitioner and respondents 4 and 5, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

ps

To

1.The Chief Educational Officer,
Kanyakumari District.

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

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-87696[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-87973[F] dated 19/09/2019)

**W.P (MD) No.20015 of 2019
18.09.2019**

KK/SAR/04.10.2019/3P-5C/