



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.21490 of 2019

and

W.M.P(MD) .No.18150 of 2019

WEB COPY

H.Mary Mettilda

... Petitioner

-Vs-

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

2.The Joint Director of School Education (Secondary)
DPI Campus, College Road
Chennai 600 006

3.The Chief Educational Officer
Kanyakumari District
at Nagercoil

4.The District Educational Officer
Thiruvattar
Kanyakumari District

5.The District Educational Officer
Kuzhithurai
Kanyakumari District 629 175

6.The Higher Secondary School, Kallupalam
Represented by its Correspondent
Edaicode Post
Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to approve the appointment of the petitioner in the post of P.G.Assistant (Botany) from the date of appointment that is on 08.06.2017 based on the proposal submitted by the 6th respondent by its proceedings in Na.Ka.No.114/2018 dated 02.04.2018 and consequently, direct the respondents to disburse monetary and other attendant service benefits, including payment of arrears of salary with interest within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Dhayalan

1 to 5

Government Advocate

**ORDER**

This Writ petition has been filed for a direction to the respondents to approve the appointment of the petitioner in the post of P.G.Assistant (Botany) from the date of appointment, that is on 08.06.2017, based on the proposal submitted by the 6th respondent, by its proceedings in Na.Ka.No.114/2018 dated 02.04.2018 and consequently, direct the respondents to disburse monetary and other attendant service benefits, including payment of arrears of salary with interest within a time frame to be fixed by this Court.

2. This Court directed Mr.S.Dhayalan, learned Government Advocate to take notice and inform the respondents. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, she is fully eligible to be appointed as P.G.Assistant (Botany). The sixth respondent School is a minority School. A vacancy arose in the post of P.G.Assistant (Botany) due to promotion of one K.G.Cicil, who was working as P.G.Assistant (Botany) as Headmaster on 02.06.2017. The petitioner was appointed in the said post on 08.06.2017. The sixth respondent School forwarded a proposal to the fourth respondent on 02.04.2018 for approving the appointment of the petitioner. The fourth respondent has not taken any steps to approve the appointment of the petitioner on the ground that the petitioner has not passed in Teachers Eligibility Test (TET) and the proposal is pending with the fourth respondent. Hence, the petitioner has come up with the present Writ petition.

4.The learned counsel appearing for the petitioner submitted that it would suffice, if a direction is issued to the fourth respondent to pass orders on the proposal submitted by the sixth respondent on 02.04.2018.

5. Considering the nature of relief sought for in the writ petition and considering the submission of the learned counsel for the petitioner, without deciding the issue on merits, the fourth respondent is directed to consider the proposal submitted by the sixth respondent for approving the appointment of petitioner and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

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

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4.The District Educational Officer
Thiruvattar
Kanyakumari District

5.The District Educational Officer
Kuzhithurai
Kanyakumari District 629 175

+1 CC to M/s.SPL GP (SR-96330[F] dated 06/11/2019)

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and

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VB(28.11.2019) 3P 7C