



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

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W.P. (MD) No.22745 of 2019

and

W.M.P (MD) .No.19498 of 2019

The Correspondent
Mary Immaculate High School
Kovalam Road, Cape Comorin
Kanyakumari District 629 702

... Petitioner

-Vs-

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

2.The Director of School Education
College Road, Chennai 600 009

3.The Chief Educational Officer
Nagercoil, Kanyakumari District

4.The District Educational Officer
Nagercoil, Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd Chief Educational Officer and 4th respondent District Educational Officer approve forthwith the appointment of Josephine Anand as B.T.Assistant (Science) w.e.f. 08.06.2017 in the petitioner School with salary and all other attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Isaac Chambers
For Respondents : Mr.A.Thiyagarajan
Government Advocate

ORDER

The Petitioner has come out with the present writ petition for a direction to the 3rd, respondent, the Chief Educational Officer and the 4th respondent, the District Educational Officer to approve the appointment of Josephine Anand as B.T.Assistant (Science) w.e.f. 08.06.2017 in the petitioner School with salary and all other attendant benefits.



2. Mr.A.Thiyagarajan, learned Government Advocate takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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3. In the petitioner School, one post of B.T.Assistant (Science) fell vacant on 01.06.2017. The petitioner School appointed one Josephine Anand as B.T.Assistant (Science) on 08.06.2017 and submitted proposal to the fourth respondent for approval of her appointment for the purpose of disbursement of grant-in-aid towards her salary. The fourth respondent returned the said proposal, pointing out certain defects. The petitioner School resubmitted the proposal after rectifying the defects, pointed out by the fourth respondent. But, the fourth respondent has not passed any order, even after various representations. Hence, the petitioner has come up with the present Writ Petition.

4.Considering the nature of relief sought for in the writ petition and also considering the submission made by the learned counsel for the petitioner, without deciding the issue on merits, the respondents 3 and 4 are directed to consider the proposal submitted by the petitioner, dated 17.06.2019 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.

5.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)

msa

To

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

2.The Director of School Education
College Road, Chennai 600 009

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Chief Educational Officer
Nagercoil, Kanyakumari District

4.The District Educational Officer
Nagercoil, Kanyakumari District

+1 CC to SPL GP (SR-94867[F] dated 30/10/2019)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-94961[F] dated
30/10/2019)

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