



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.23031 of 2019

Hindu Middle School
Sanganapuram
Tirunelveli District 627 114
Represented by its Secretary
Mr.G.Sivamony

... Petitioner

-Vs-

1.The State of Tamil Nadu
Represented by its Secretary to the Education
Department of Education
Fort.St.George
Chennai - 9

2.The Director of Elementary School Education
College Road
Chennai - 6

3.The District Educational Officer
Valliyur
Tirunelveli District

4.The Block Educational Officer
Valliyur,
Tirunelveli District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to approve the appointment of Mrs.Subulakshmi as Secondary Grade Teacher in the petitioner's School namely Hindu Middle School, Sanganapuram, Tirunelveli District 627 114 with salary and other monetary benefits with effect from 18.03.2019 as per the recommendation made by the 4th respondent in Na.Ka.No.441/Aa1/2019, dated 28.05.2019 and as per the representation made by the petitioner, dated 16.10.2019.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.M.Karuppasamy
Government Advocate



ORDER

The writ petition has been filed for a direction to the 3rd respondent to approve the appointment of Mrs.Subulakshmi as Secondary Grade Teacher in the petitioner's School namely, Hindu Middle School, Sanganapuram, Tirunelveli District-627 114, with salary and other monetary benefits with effect from 18.03.2019 as per the recommendation made by the 4th respondent in Na.Ka.No.441/Aa1/2019, dated 28.05.2019 and as per the representation made by the petitioner, dated 16.10.2019.

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

3.The petitioner School is a private aided School, in which, one Secondary Grade Teacher post fell vacant on 01.01.2019 due to Voluntarily retirement of one Ramachandran. Therefore, the School committee has decided to fill up the vacant post and made representation for the prior permission from the third respondent. The third respondent accorded his permission to fill up the post of the Secondary Grade Teacher in the petitioner School vide his proceedings in Mu.Mu.No.202/Aa3/2019, dated 14.02.2019. Thereafter, by following recruitment process as per rule, the School Committee selected and appointed one Subbulakshmi in the vacant post of Secondary Grade Teacher w.e.f 18.03.2019. Subsequently, the petitioner School sent a proposal for approval of appointment of the said Subbulakshmi to the third respondent. The fourth respondent also recommended the proposal and forwarded the same to the third respondent on 28.05.2019. But, the third respondent did not pass any order. Hence, the petitioner has come up with the present Writ petition.

4.Considering the nature of relief sought for in the Writ petition, without deciding the issue on merits, the third respondent is directed to consider the proposal submitted by the fourth respondent, for approval of appointment of the said Subbulakshmi 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 is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

msa

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To

1.The Secretary to the Education
State of Tamil Nadu
Department of Education
Fort.St.George
Chennai - 9

2.The Director of Elementary School Education
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Valliyur,
Tirunelveli District.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-95379[F] dated 01/11/2019)

+1 CC to M/s.GP (SR-95955[F] dated 04/11/2019)

W.P. (MD) No.23031 of 2019
01.11.2019

JMN(19.11.2019) 3P : 7C