



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.23638 of 2019

H.Vinoth

B.T.Assistant

St.Louis Higher Secondary School

Keelavaippar 628 903

Tuticorin District

... Petitioner

-Vs-

1.The Chief Educational Officer
Tuticorin, Tuticorin District

2.The District Educational Officer
Kovilpatti, Tuticorin District

3.The Correspondent
St.Louis Higher Secondary School
Keelavaippar 628 903
Tuticorin District

... Respondents

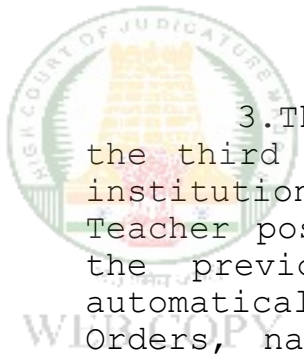
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent herein to approve the petitioner's appointment as BT Assistant (English) in the 3rd respondent School w.e.f. the date of appointment viz., 01.06.2018 with salary and attendant benefits by considering the proposal dated 09.05.2019 submitted by the third respondent School.

For Petitioner	: Mr.A.Ajith Geethan
For R1 & R2	: Mr.A.Thiyagarajan
	Government Advocate

ORDER

This Writ petition has been filed for a direction to the first respondent herein to approve the petitioner's appointment as BT Assistant (English) in the 3rd respondent School w.e.f. the date of appointment viz., 01.06.2018 with salary and attendant benefits, by considering the proposal dated 09.05.2019, submitted by the third respondent School.

2. Mr.A.Thiyagarajan, learned Government Advocate takes notice on behalf of the respondents 1 and 2. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.The petitioner was working as B.T. Assistant (English) in the third respondent School, which is a recognized aided minority institution. In the third respondent School, one Secondary Grade Teacher post fell vacant on 01.06.2018 on account of retirement of the previous incumbent Mr.N.Antony Durai Raj. The said post automatically got upgraded as B.T.Assistant as per Government Orders, namely G.O.Ms.No.79, Secondary Education (U1) Department, dated 14.06.2002 and G.O.Ms.No.99, School Education Department, dated 27.06.2006. In the said vacancy, the petitioner was appointed as B.T. Assistant (English) w.e.f. 01.06.2018. Thereafter, the School submitted proposal to the second respondent on 05.09.2018 for upgradation from the post of Secondary Grade Teacher to B.T. Assistant. The second respondent returned the said proposal, vide proceedings in Na.Ka.No.4379/A1/2018, dated 24.09.2018, for want of some documents and clarifications. After rectifying the defects, the third respondent School resubmitted the proposal on 13.11.2018 along with required documents. However, the respondents have not passed any orders on the proposal submitted by the third respondent School. Thereafter, on 09.05.2019, the third respondent School submitted the proposal to approve the petitioner's appointment as B.T. Assistant (English) w.e.f. 01.06.2018, but the respondents have not passed any orders on the proposal submitted by the third respondent School so far. 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 respondents to consider the proposal submitted by the third respondent, dated 09.05.2019, on merits.

5.Considering the nature of relief sought for in the Writ petition, without deciding the issue on merits, the respondents 1 and 2 are directed to consider the proposal submitted by the third respondent, dated 09.05.2019 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.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

msa



To

1.The Chief Educational Officer
Tuticorin, Tuticorin District

2.The District Educational Officer
Kovilpatti, Tuticorin District

+1 CC to Spl.GP (SR-97265[F] dated 11/11/2019)

+1 CC to Mr.A.AJITH GEETHAN, Advocate (SR-97195[F] dated
11/11/2019)

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