



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE **MS.JUSTICE V.M.VELUMANI**

W.P. (MD) No.23686 of 2019

and W.M.P. (MD) No.20285 of 2019

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... Petitioner

Vs.

- 1.The Secretary to the Government,
Department of School Education,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Valliyoor, Tirunelveli District.
- 5.The Secretary/Correspondent,
Walker Higher Secondary School,
Dohanvur, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in A.Thi.Mu.No.5618/A2/2019 dated 25.07.2019 and quash the same and consequently direct the respondents to approve the petitioner's appointment with effect from 02.06.2018 and further direct the respondents to disburse all service and monitory benefits.

For Petitioner : Mr.S.Chellapandian
For R1 to R4 : Mr.A.Thiyagarajan,
Government Advocate

ORDER

This Writ Petition is filed seeking issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the third respondent in A.Thi.Mu.No.5618/A2/2019, dated 25.07.2019 and consequently, direct the respondents to approve the petitioner's



appointment with effect from 02.06.2018 and further direct the respondents to disburse all service and monitory benefits.

2.Mr.A.Thiagarajan, learned Government Advocate takes notice on behalf of the respondents 1 to 4. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The fifth respondent School is a minority aided School. In the fifth respondent School, a vacancy of B.T. Assistant arose on 01.06.2018, due to transfer of one Mary Janibai and the petitioner was appointed in the said vacancy on 02.06.2018. The fifth respondent School sent a proposal to the fourth respondent along with relevant documents on 20.07.2019 for approval of the appointment of the petitioner. The fourth respondent considered the said proposal and forwarded the proposal to the third respondent, by proceedings dated November 2018 along with the documents.

4.The third respondent instead of approving the appointment, returned the proposal for want of details with regard to the surplus Teachers and certificate from the fifth respondent. Again, the fifth respondent re-submitted the proposal along with relevant certificate to the fourth respondent. The same was forwarded to the third respondent and on 25.07.2019, the third respondent returned the proposal to the fifth respondent, directing the fourth respondent to re-verify the entire status of the documents and certificate enclosed by the fifth respondent. Challenging the said return, the present Writ Petition is filed.

5.The learned counsel appearing for the petitioner submitted that the petitioner was appointed in a sanctioned post. The fifth respondent forwarded proposal along with necessary documents to the fourth respondent. On satisfaction, the fourth respondent forwarded the proposal. However, the third respondent returned the same and hence, he prayed for allowing this Writ Petition.

6.The learned Government Advocate appearing for the respondents 1 to 4 submitted that the fifth respondent may be directed to re-submit the proposal to the third respondent and the third respondent will pass orders on the proposal on merits.

7.Considering the submissions made by the learned counsel for the petitioner and the learned Government Advocate, the impugned order passed by the third respondent is set aside. The fifth respondent is directed to re-submit the proposal along with necessary documents to the third respondent through the fourth respondent. The third respondent is directed to consider the proposal on merits and pass orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Secretary to the Government,
Department of School Education,
St. George Fort, Chennai.
2. The Director of School Education,
DPI Compound, College Road,
Chennai.
3. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
4. The District Educational Officer,
Valliyoore, Tirunelveli District.

+1 CC to M/s. SPL GP (SR-97781[F] dated 12/11/2019)

W.P. (MD) No. 23686 of 2019
11.11.2019

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