



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.27111 of 2019

C.Samuel Dharmaraj

... Petitioner

vs.

- 1.The Chief Educational Officer
Tirunelveli
- 2.The District Educational Officer
Valliyoar,Tirunelveli District
- 3.The Block Educational Officer
Radhapuram,Tirunelveli District
- 4.The Correspondent
T.D.T.A. Primary School
Thangammalpuram
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the 2nd and 3rd respondents to approve the appointment of the petitioner as a Secondary Grade Teacher from the date of appointment ie. with effect from 08.03.2019 with salary and other monetary benefits.

For Petitioner : Mr.V.Paneer Selvam

For Respondents R1 to R3 : Mr.M.Karuppasamy
Government Advocate

For R4 : No Appearance

O R D E R

The Writ petition has been filed for a direction to the respondents 2 and 3 to approve the appointment of the petitioner as a Secondary Grade Teacher from the date of appointment ie. with effect from 08.03.2019 with salary and other monetary benefits.

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 learned counsel for the petitioner would submit that the petitioner was appointed as Secondary Grade Teacher on 08.03.2019 in the permanent and sanctioned post in the fourth respondent School. The Management sent a proposal to the second respondent through the third respondent on 17.06.2019. The petitioner also sent representations on 30.08.2019 and 10.12.2019 respectively. But, till date the appointment of the petitioner was not approved by the respondents. The respondents 2 and 3 without passing any order orally informed that the surplus teachers are working in some other schools, but they have not passed any order to that effect. As far as surplus posts are concerned, the first respondent granted permission to the Management to deploy the surplus teachers to the needy and vacancy posts. Accordingly, the Management completed the



process and the same was approved by the first respondent by his proceedings in Na.Ka.No.1335/E1/2018, dated 26.06.2019. Without following the first respondent order, the respondents 2 and 3 are simply dragging on the issue by informing that there is surplus teachers in some other Schools and hence, the petitioner is not entitled to get approve his appointment. Aggrieved against the said order, the petitioner is before this Court.

4. The learned Government Advocate appearing for the respondents would state that the proposal will be considered on merits.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6. Perusal of record shows that the petitioner has been appointed in a sanctioned post and hence, he is entitled for approval from the date of his appointment. Therefore, the respondents are directed to consider the proposal, dated 17.06.2019 in the light of the proceedings of the first respondent in Na.Ka.No.1335/E1/2018, dated 26.06.2019 and pass orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

1. The Chief Educational Officer, Tirunelveli

2. The District Educational Officer

Valliyoor, Tirunelveli District

3. The Block Educational Officer

Radhapuram, Tirunelveli District

4. The Correspondent

T.D.T.A. Primary School, Thangammalpuram

Tirunelveli District

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-106237[F]

+1 CC to M/s.SPL.GP (SR-106483[F] dated 27/12/2019)

SMA/10/01/2020/2P/7C

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