

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.21165 OF 2013
and
M.P.No.1 of 2013

Kasturba Gandhi National Memorial Trust,
(Tamil Nadu), rep .by its
Advisory Committee
President Mr.S.N.Balasubramanian

.. Petitioner

- Vs -

1. The Government of Tamil Nadu
Rep. By its Secretary,
School Education Department,
Fort St. George,
Chennai-9.
2. The Director of School Education,
college Road,
Chennai 6.
3. The Chief Educational officer,
Erode District,
Erode.
4. The District Educational Officer,
Erode District,
Erode.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents 1 and 2 to sanction 2 Graduate Teacher Posts to the school run by the petitioners Trust as per G.O.Ms.No.525 School education department dated 29.12.1997 as well as Full Bench Decision of this Honourable Court reported in 2006 (5) CTC 385 and also direct the 2nd respondent to grant permission to the school for filling up the retirement vacancies of One Record Clerk Post and One Office Assistant Post by considering the application dated 9.12.2011 and the reminder dated 28.3.2013.

For Petitioner : Mr.K.Sathishkumar

For Respondents: Mr. A.N.Thambidurai, Spl.G.P. For R1

ORDER

The writ petition has been filed by the petitioner's school to direct the respondents 1 and 2 to sanction 2 Graduate Teacher Posts to the school run by the petitioners Trust as per G.O.Ms.No.525 School education department dated 29.12.1997 as well as Full Bench Decision of this Honourable Court reported in 2006 (5) CTC 385 and also direct the 2nd respondent to grant permission to the school for filling up the retirement vacancies of One Record Clerk Post and One Office Assistant Post by considering the application dated 9.12.2011 and the reminder dated 28.3.2013.

2.Learned counsel appearing for the petitioner submitted that the petitioner school made an application for sanction of two gradual teachers post by application dated 9.12.2011 and reminder dated 28.03.2013 and also for sanction of non-teaching staff. Further to the interim order of this Court, Government Order has been issued towards non-teaching staff. Hence the second limb of prayer for grant of Non teaching staff has become infructuous. However, this Court may issue a direction to the respondent to consider the petitioner's application dated 9.12.2011 and reminder dated 28.03.2013 for sanction of two posts of graduate teachers in accordance with law, as expeditiously as possible.

3.On the above contention, this Court heard the learned counsel appearing for the respondents, who has filed a counter affidavit on behalf of respondent, denying the averments made by the petitioner. However it is submitted that if this court issues a direction to the respondent to consider the petitioner's application, it will be considered in accordance with law, if not considered already.

4. In view of the limited relief sought for in the present petition, this Court, without going into the merits of the contentions raised in the writ petitions, issues a direction to the 1st respondent to consider the petitioner's application dated 9.12.2011 and reminder dated 28.03.2013 for sanction of two posts of graduate teachers within a period of three months from the date of receipt of a copy of this order, if the request has not already been considered and disposed of. Further, it is made clear that it is also open to the respondents to transfer surplus staff from other school, if necessary.

5. With the above direction, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed. However there shall be no order as to costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

1. The Government of Tamil Nadu
Rep. By its Secretary,
School Education Department,
Fort St. George,
Chennai-9.
2. The Director of School Education,
college Road,
Chennai 6.
3. The Chief Educational officer,
Erode District,
Erode.
4. The District Educational Officer,
Erode District, Erode.

+1cc to the Government Pleader, Sr.No.31279
+1cc to Mr.K.Sathish Kumar, Advocate, Sr.No.31040

W.P. NO.21165 OF 2013

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rr ii (05/11/2020)