

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4829 of 2020

Shree G.K. Jain Higher Secondary School,
Represented by its Correspondent,
15, 180, MS Koil Street,
Pudumanaikuppam,
Royapuram, Chennai - 600 013.

... Petitioner

Vs.

1.The Director,
Directorate of School Education,
DPI Campus
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Chennai.

3.The District Educational Officer,
Office of the District Education Office,
Chennai (East),
Chennai - 600 005.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents more specifically the third respondent herein to grant approval to the promotion of Mrs. Sunithakumari in the sanctioned post of Headmaster with effect from 02.04.2019 and consequently direct the respondents to grant approval to Thiru Shiavakumar Shukla to the post of Hindi Pandit with effect from 04.04.2019 with all consequential service and monetary benefits within a time frame fixed by this Court.

For Petitioner : M/s. Dakshayani Reddy

For Respondents : Mrs. V. Annalakshmi,
Government Advocate

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the third respondent to grant approval for the promotion of a teacher to the post of

Headmaster with effect from 02.04.2019 and consequently to grant approval for the appointment to the post of Hindi Pandit with effect from 04.04.2019.

2. The case of the petitioner is that the petitioner-school is a linguistic minority school. According to the petitioner, the school has been sanctioned with one post of Headmaster for high school and three posts of B.T., Assistants for standard 5 to 10 and two posts of secondary grade teachers and one post of Tamil Teacher and one post of Hindi Teacher. According to the petitioner, the post of Headmaster fell vacant due to the transfer of the incumbent with effect from 31.05.2018. The petitioner-school promoted one Sunitha Kumari to the post of Headmaster with effect from 02.04.2019. This promotion has been sent for approval of the third respondent and the same is pending.

3. The above said Sunitha Kumari was holding the post of Hindi Pandit prior to the promotion. In view of her promotion, the post fell vacant and therefore, in her place, one Sivakumar Shukla has been appointed as a Hindi Pandit. These papers are also forwarded for approval to the third respondent.

4. Since the third respondent did not act on the approval sought for by the petitioner-school, the present writ petition has been filed before this Court.

5. The learned counsel for the petitioner submitted that the promotion and the appointment has been done towards a sanctioned post. In order to substantiate her submission, the learned counsel also brought to the notice of this Court, the latest staff fixation on 24.12.2019. The learned counsel submitted that the third respondent must be directed to process the papers that have been forwarded for approval of the promotion and the appointment within a time fixed by this Court. The learned Government Advocate appearing on behalf of the respondents submitted that the third respondent will consider the records that have been forwarded by the petitioner-school and pass appropriate orders within a time fixed by this Court.

6. Taking into consideration of the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the third respondent to consider the proposal that has been submitted by the petitioner-school on 31.07.2019 and 04.04.2019 and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. The petitioner school is directed to make a fresh representation to the third respondent along with a copy of this order.

7. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

1.The Director,
Directorate of School Education,
DPI Campus
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Chennai.

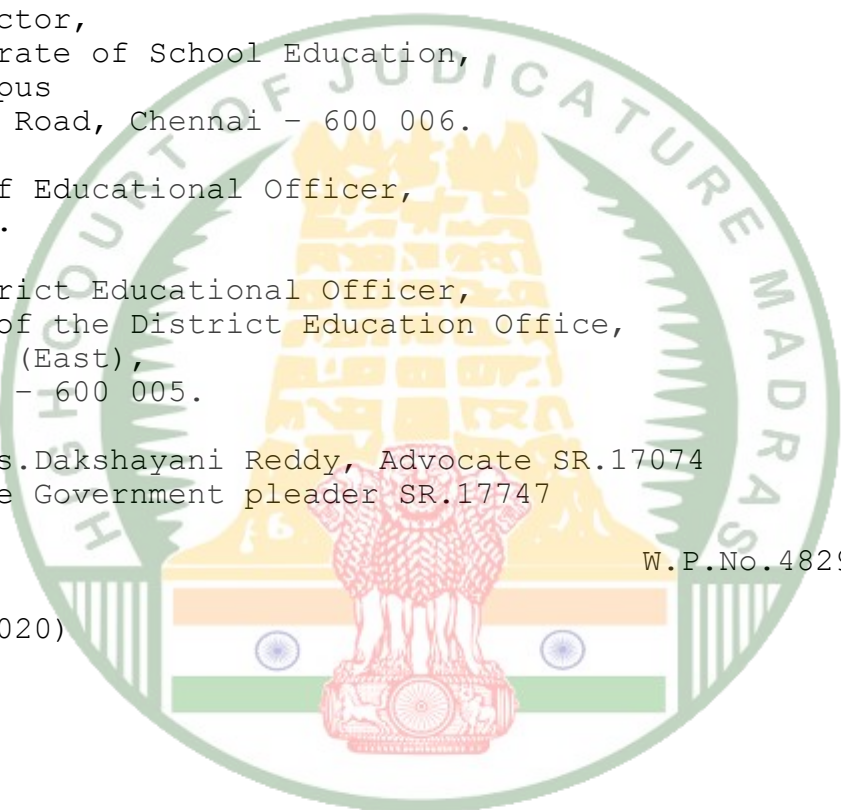
3.The District Educational Officer,
Office of the District Education Office,
Chennai (East),
Chennai - 600 005.

+1cc to M/s.Dakshayani Reddy, Advocate SR.17074

+1cc to the Government pleader SR.17747

W.P.No.4829 of 2020

RV(CO)
CB(27/05/2020)



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