

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4836 of 2020

Shree G.K. Jain Higher Secondary School,
Represented by its Correspondent,
15, 180, MS Koil Street,
Pudumanaikuppam,
Royapuram, Chennai - 13. ... 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 herein to approve appointment of T. Rajeshkumar to the post of B.T. Assistant Social Science in the petitioner's School with effect from 01.06.2016 by taking into consideration the fact that the said Rajeshkumar 10th Standard certificate and 12th Standard Certificate have been declared as equivalent by the University of Madras vide proceedings dated 17.03.2014 by applying the judgment of this Court in W.P.Nos.4735, 7457 of 2017, with all service and monetary benefits.

For Petitioner : Mr. 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 approve the appointment to the post of B.T., Assistant Social Science with effect from 01.06.2016.

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 Secondary Grade Teacher (Social Science) fell vacant due to the retirement of the incumbent with effect from 31.01.2011. The Government had taken policy that the vacancies which arose in the post of Secondary Grade Teacher with effect from 01.04.2003 for classes 6 to 8 shall be upgraded to the post of B.T., Assistant. The petitioner-school appointed one Rajesh Kumar to the post of B.T., Assistant Social Science with effect from 01.06.2016. This appointment has been sent for approval of the third respondent and the same has been returned seeking for certain clarifications. The petitioner-school again re-submitted the same vide proceedings dated 28.06.2019, seeking to approve the appointment of the said Rajesh Kumar.

3. 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.

4. The learned counsel for the petitioner submitted that 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 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.

5. 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 28.06.2019 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.

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

Sd/-
Assistant Registrar (CS-III)

//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 Mr.Dakshayani Reddy, Advocate SR.No.17073

+1cc to Government Pleader, High Court, Madras SR.No.17748

W.P.No.4836 of 2020

PPA (CO)
GMY (10/06/2020)

सत्यमेव जयते

WEB COPY