

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.29149 of 2013
and
M.P.No.1 of 2013

D.Sundar Jeba Selvam

.. Petitioner

- Vs -

1.The Secretary,
School Education Dept,
Fort St.George,
Chennai -9.

2.The Director of School Educatioin,
College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli Dist.

4.The District Educational Officer of Tirunelveli
Tirunelveli Dist.

5.The Asst. Elementary Educational Officer,
Tirunelveli Urban Range,
Tirunelveli.

6.Hindu Primary School,
Karuvankunt Street,
Tirunelveli Town,
Rep. By its Secretary.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 1st and 3rd respondents to approve the salary of the petitioner from the date of his appointment (i.e) 20/04/2009 in the 6th respondent institution in the pay scale of 4500-125-7000 instead of the present date of appointment (i.e) 01/06/2009 in the post of Secondary Grade Assistant.

For Petitioner : Mr.B.Rabu Manokar

For Respondents : Mr. S.Sureshkumar , G.A.

ORDER

The case of the petitioner is that the petitioner was got appointment in the 6th respondent institution on 20.04.2009, however the DEO namely the 4th respondent herein has approved the appointment of the petitioner as Secondary Grade Assistant in the 6th respondent Institution by proceedings dated 29.07.2009 mentioned that the date of appointment from which the post approved was from 01.06.2009. Hence the petitioner filed Mandamus with the above said prayer without challenging the order dated 29.07.2009, passed by the 4th respondent.

2.Learned counsel appearing for the petitioner submitted that this Court may permit the petitioner to challenge the order dated 29.07.2009 by which the 4th respondent had fixed the date of appointment of the petitioner as 01.06.2009 instead of 20.04.2009.

3.On the above contention, this Court heard the learned Government Advocate appearing for the respondents, who has no serious objections to such a direction being passed.

4. In view of the consent expressed by the learned counsel on either side, without expressing any opinion, this present writ petition is closed. However, liberty is granted to the petitioner to challenge the order dated 29.07.2009, passed by the 4th respondent on merits, if so advised. Consequently connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Secretary,
School Education Dept,
Fort St.George,
Chennai -9.

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VS (CO)
RMP (01/09/2020)

W.P. NO.29149/2013



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