

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.12244 of 2020

A. Emmanuel
Petitioner

....

Versus

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Egmore, Chennai - 600 008.
3. The District Educational Officer,,
Chennai West,
DPI Campus, College Road,
Chennai - 600 006.
4. St. Gabriel's Higher Secondary School,
28, Broadway, Chennai - 600 108,
Rep. by its Correspondent.
... Respondents

PRAYER : petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner in the post of B.T. Assistant (History) in the 4th respondent school from the date of appointment on 01.06.2016 with all consequential and attendant benefits including the payment of arrears of salary from the date of his appointment along with interest.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Raja,
Government Advocate [R1 to R3]

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 3, to approve the appointment of the petitioner in the post of B.T. Assistant (History) in the 4th respondent school from the date of

appointment on 01.06.2016 with all consequential and attendant benefits including the payment of arrears of salary from the date of his appointment along with interest.

2. The petitioner herein was qualified with B.A., M.A., and B.Ed (History) and was eligible for appointment to the post of B.T. Assistant (History). A vacancy arose in the post of B.T. Assistant (History) in the fourth respondent school on 11.01.2015, on the death of the then incumbent one Thiru.S.Francis. In the said vacancy, the fourth respondent appointed the petitioner on 01.06.2016. Since his appointment, he has been taking classes for the students in History.

3. The fourth respondent school forwarded a proposal to the second respondent seeking permission to fill up the vacancy in the post of B.T. Assistant (History) with effect from 01.06.2016. The proposal submitted by the fourth respondent in 2016 was not acted upon, in view of the certain defects noticed in complying with the proposal and the same was resubmitted to the Department on 12.05.2018 and again on 21.08.2019. But however, till date no order has been passed in response to the proposal submitted by the fourth respondent school. Therefore, the petitioner is before this Court seeking issuance of writ of mandamus.

4. After notice, Mr.P.Raja, learned Government Advocate entered appearance on behalf of the respondents.

5. When the matter is taken up for hearing, Mr.P.Raja, learned Government Advocate would submit that the proposal is pending before the third respondent and if any direction issued to pass orders on the proposal, the same would be complied with.

6. The learned counsel for the petitioner would also submit that a direction may be issued by fixing a reasonable time for the authority to pass appropriate orders on the proposal submitted by the fourth respondent.

7. In view of the submissions of the learned counsel appearing for both parties and also the limited prayer being sought in the writ petition, the same is disposed of as under:

"The second and third respondents are directed to pass appropriate orders on the proposal said to have been submitted by the fourth respondent School on 12.05.2018 and again on 21.08.2019, as a consequence of original proposal submitted on 01.06.2016, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.
"

8. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gsk/mp
To

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Egmore, Chennai - 600 008.
3. The District Educational Officer,,
Chennai West,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to Mr.G.Sankaran , Advocate SR.No. 34466

W.P.No.12244 of 2020

A.SK(08/12/2020)

सत्यमेव जयते
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