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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9109 of 2017 and

W.M.P.No.10042 of 2017

D.M.Christopher

... Petitioner

Vs.

1. The State of Tamil nadu
Rep. by its Secretary to Government,
Education Department,
Fort St. George, Secretariat,
Chennai 600 009.
2. The Director of School Education,
DPI Compound, College Road,
Nungambakkam, Chennai 600 006.
3. The Chief Educational Officer,
Villupuram, Villupuram District.
4. The District Educational officer,
Tindivanam, Villupuram District.
5. Walter Scudder Higher Secondary School,
Rep. by its Correspondent,
Tindivanam 604 001, Villupuram District.

... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other writ or order or direction in the nature of writ, call for the records relevant to the order in O.Mu.No.1702/A2/2015 dated 17.06.2015 passed by the 4th respondent and quash the same as illegal, improper, unreasonable, arbitrary and against th principles of natural justice and thereby direct the respondents 1 to 4 to approve the appointment of the petitioner as a BT Assistant in English since 07.09.2012 and pay the salary for the period from 07.09.2012 to as on today within a stipulated period of time.

For Petitioner	: Mr.A.Rajesh Kanna
For Respondents	: Ms.P.Kavitha (Gov. Advocate)
	(for R1 to R4.)
	M/s B.Gopalakrishnan (for R5)



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O R D E R

This matter is taken up today for final disposal.

2. The contention of the writ petitioner is that he was appointed on 06.09.2012 as B.T. Assistant Teacher in English in the 5th respondent school by the Committee of Church of South India, Diocese of Vellore, Board for Higher Education, Vellore and thereafter, a proposal for approval of the above said appointment order was forwarded to the District Educational Officer, Tindivanam, Villupuram (4th respondent herein) by the 5th respondent. His further contention is that, the 4th respondent by his order dated 17.06.2015 has rejected the above said proposal for technical reasons and hence, he filed this writ petition.

2. The learned counsel appearing for the respondents 1 to 4 submitted that if the 5th respondent re-submitted their proposal for approval of the order of appointment of the writ petitioner along with the explanation/clarification as sought for in the impugned order dated 17.06.2015, the same will be considered in accordance with law, within the time stipulated by this court.

3. The learned counsel appearing for the 5th respondent submitted that the school management is willing to resubmit the proposal by furnishing all the particulars including the explanation/ clarification as sought for by the 4th respondent in their order dated 17.06.2015.

4. Recording the submissions made by both the counsels, this court is inclined to pass the following order.

(i) The 5th respondent (school management) is directed to submit their proposal for approval of the appointment of the writ petitioner along with the explanation/clarification as required in the impugned order dated 17.06.2015 within a period of two weeks from the date of receipt of a copy of this order.

ii) On such receipt of such proposal from the 5th respondent, the 4th respondent is directed to consider the same and to pass an appropriate order in accordance with law, within a period of 8 weeks from the date of receipt of the proposal.



5. With the above directions, this writ petition is disposed of. No costs. The connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mst

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+1cc to Mr.B.Sundarapandian, Advocate sr.377
+1cc to M/s N.Gopalakrishnan, Advocate sr.380

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vgi(co)
nr 07/01/2020