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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.01.2020
CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

W.P.(MD)No.828 of 2020
and
W.M.P.(MD)No.611 of 2020

The Secretary
MSP Solai Nadar Memorial Higher Secondary School
No.54/8, G.T.N.Salai,
Dindigul District-624 005. ... Petitioner

Vs.

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

2.The Chief Educational Officer,
Dindigul, Dindigul District.

3.The District Educational Officer,
Dindigul, Dindigul District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent Chief Educational Officer to approve forthwith to the appointment of Thiru.T.Marikannu as BT Assistant (Science) in the petitioner-school w.e.f., 01.06.2018, with all attendant benefits including arrears of salary and allowances by considering the proposal submitted by the petitioner dated 01.06.2018 together with the recommendation of the DEO dated 04.09.2018.

For Petitioner : Mr.K.Ragatheesh Kumar

For Respondents : Mr.C.M.Maria Chellaiah Prabhu,
Additional Government Pleader.

ORDER

This writ petition has been filed to direct the second respondent to approve the appointment of Thiru.T.Marikannu as BT Assistant (Science) in the petitioner-school w.e.f., 01.06.2018, with all attendant benefits including arrears of salary and allowances by considering the proposal submitted by the petitioner dated 01.06.2018 together with the recommendation of the third respondent, dated 04.09.2018.

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2.The petitioner is the Secretary of the MSP Solai Nadar Memorial Higher Secondary School, Dindigul. The school was

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established as High School in the year 1966 and upgraded as Higher Secondary in the year 1978. There are 68 teaching staff and 11 non-teaching staff working in the school under the Aided Scheme. There are 4251 students now studying in the school.

3.On 01.06.2016 one post of PG Assistant in Chemistry fell vacant in the school, due to the retirement of one then incumbent one N.Arul Raj on 31.05.2016 and the school promoted one T.S.Vijaya Murugan, BT Assistant (Science) as PG Assistant (Chemistry) w.e.f., 27.07.2016 and his promotion was approved by the District Educational Officer vide proceedings in O.Mu.5291/A4/16, dated 28.10.2016. The Chief Educational Officer vide proceedings in Mu.Mu.No.2800/Aa2/2018, dated 18.04.2018 gave permission to the school to fill up the post with eligible candidate under GT category. The school affixed the vacancy position in school notice board inviting eligible candidates for the post on 19.04.2018 and also requested the District Employment Exchange to sponsor list of eligible candidates for the above said vacant post. Totally 15 candidates were applied for the post and the school invited all the 20 candidates for the selection scheduled on 07.05.2018. The school found one Thiru.T.Marikannu as most meritorious candidate and also appointed her in the post. According to the petitioner, he possess full qualification for the post viz., B.Sc., B.Ed., and also passed in Teachers Eligibility Test. The school appointed the above said Marikannu as B.T.Assistant on 01.06.2018.

4.The District Educational Officer forwarded the proposal to the Chief Educational Officer with due recommendation to approve the appointment vide proceedings in Na.No.3117/A2/2018, dated 04.09.2018.

5.The grievance of the petitioner is that the proposal sent by the third respondent is not considered by the second respondent so far. if a direction is given to the second respondent to consider the proposal sent by the third respondent, within a time frame, the petitioner would be satisfied.

6.Considering the facts and circumstances, of the case, the second respondent is directed to consider the proposal sent by the third respondent vide his proceedings in Na.No.3117/A2/2018, dated 04.09.2018, and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

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To

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

2.The Chief Educational Officer,
Dindigul, Dindigul District.

3.The District Educational Officer,
Dindigul, Dindigul District.

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-1759[F] dated 13/01/2020)

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