



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.4907 of 2020

and

W.M.P (MD) .No.4271 of 2020

R.Jino Robert

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Represented by its Secretary
Department of School Education
Fort. St.George, Chennai 600 009
- 2.The Director of School Education
College Road, Chennai 600 006.
- 3.The Chief Educational Officer
Nagercoil, Kanyakumari District
- 4.The District Educational Officer
Thiruvattar, Kanyakumari District
- 5.The Correspondent
Arunachalam Higher Secondary School
Thiruvattar 629 177
Kanyakumari District

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd respondent Chief Educational Officer herein to approve forthwith the appointment of the petitioner as Physical Education Teacher in the 5th respondent School and disburse the grant-in-aid towards his salary and allowances with all attendant benefits w.e.f. the date of his appointment ie. 12.07.2018.

For petitioner : Mr.A.Amala

For Respondents : Mr.N.Shanmugaselvan
Additional Government Pleader



ORDER

This Writ Petition has been filed for a direction to the 3rd respondent Chief Educational Officer herein to approve forthwith the appointment of the petitioner as Physical Education Teacher in the 5th respondent School and disburse the grant-in-aid towards his salary and allowances with all attendant benefits w.e.f. the date of his appointment ie. 12.07.2018.

2. By consent, the Writ Petition itself is taken up for final disposal.

3.The learned counsel for the petitioner would submit that the fifth respondent School is a recognized Linguistic Minority Educational Institution and the petitioner was working as Drawing Teacher in the said School. In this circumstance, one post of Physical Education Teacher fell vacant due to the resignation of previous incumbent Mr.M.Daniel on 30.06.2018. In that vacancy, the petitioner was appointed as Physical Education Teacher in the fifth respondent School. Thereafter, the fifth respondent School sent a proposal, dated 11.09.2019 to the fourth respondent for approval and to disburse grant-in-aid towards his salary. The fourth respondent vide his proceedings in O.Mu.No.2717/a2/2019, dated 19.12.2019, directed the School to resubmit the proposal after complying the defects cited. Accordingly, the fifth respondent School re-submitted the proposal along with documents required by the fourth respondent. Ever after repeated requests made by the School, the respondents 4 and 5 have not passed any order. Aggrieved over the same, the petitioner is before this Court.

4. The learned Additional Government Pleader appearing for the respondents would submit that the proposal was returned for want of nine certificates.

5.The learned counsel for the petitioner would submit that the fifth respondent School had re-submitted all the certificates as required by the respondents on 06.02.2020.

6.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

7. Considering the facts and circumstances of the case and also considering the submission made by the petitioner that the fifth respondent School already resubmitted the required certificates, the respondents are directed to consider the proposal resubmitted by the fifth respondent School, dated 06.02.2020 and pass order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



8. This Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar ()

/ /2020
Sub Assistant Registrar(CS)

msa

To

1.The Secretary
State of Tamil Nadu
Department of School Education
Fort. St.George, Chennai 600 009

2.The Director of School Education
College Road, Chennai 600 006.02.2020

3.The Chief Educational Officer
Nagercoil, Kanyakumari District

4.The District Educational Officer
Thiruvattar, Kanyakumari District

5.The Correspondent
Arunachalam Higher Secondary School
Thiruvattar 629 177
Kanyakumari District

+1 CC to M/s.A.AMALA, Advocate (SR-10746[F] dated 10/03/2020)

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and

W.M.P (MD) .No.4271 of 2020
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KB(17/03/2020) 3P 7C