



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.4947 of 2020

and

W.M.P(MD)No.4314 of 2020

WEB COPY

K.Mahesh Kumar

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. 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 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the third respondent Chief Educational Officer herein to approve forthwith the appointment of petitioner as Drawing Teacher in the fifth 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 i.e., 12.07.2018.

For Petitioner : Mr.A.Amala

For Respondents 1 to 4 : Mr.A.Thiagarajan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the third respondent, Chief Educational Officer, to approve forthwith the appointment of petitioner as Drawing Teacher in the fifth 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 i.e., 12.07.2018.

2.Mr.A.Thiyagarajan, learned Government Advocate takes notice for the respondents 1 to 4. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.The case of the petitioner is that the 5th respondent school is a recognized linguistic minority educational institution. The school was initially established as middle school in the year 1928 and upgraded as higher secondary school in the year 1978. Now the petitioner school is offering education from Standard VI to XII. One post of Drawing Teacher in the 5th respondent school fell vacant on 04.04.2018 due to the resignation of the previous incumbent Thiru.B.S.Sajeev. In that vacancy, the 5th respondent school appointed the petitioner with effect from 12.07.2018. The 5th respondent submitted the proposal to the 4th respondent, vide letter, dated 11.09.2019 and the 4th respondent, vide order, dated --. 12.2019, returned the same to comply with certain defects and the 5th respondent school, after compliance, submitted the proposal, vide letter No.54/2019-2020, dated 06.02.2020. But, till date, no orders has been passed. Therefore, the petitioner has come up with the present writ petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

5.The learned counsel for the petitioner submitted that the 5th respondent school appointed the petitioner as Drawing Teacher in the existing vacancy. Therefore, he would pray that it would suffice if the 4th respondent is directed to forward the proposal submitted by the 5th respondent dated 06.02.2020, to the 3rd respondent and on receipt of the same, the 3rd respondent is directed to dispose of the proposal as per law.

6.Considering the fact that the petitioner was appointed as Drawing Teacher in the existing vacancy and also considering limited scope of prayer sought for, this Court, without adverting to the merits of the case, directs the 4th respondent to forward the proposal submitted by the 5th respondent school, dated 06.02.2020, to the 3rd respondent within a period of four (4) weeks from the date of receipt of a copy of this order and on receipt of the same, the 3rd respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of eight (8) weeks, thereafter.

7.With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary,
Department of School Education,
Government of Tamil Nadu,
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.

+1 CC to M/s.SPL.GP (SR-10786[F] dated 10/03/2020)

+1 CC to M/s.A.AMALA, Advocate (SR-10745[F] dated 10/03/2020)

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