



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7605 of 2020

(Through Video conferencing)

WEB COPY

R.Priyatharshini

...Petitioner

-Vs-

1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

2.The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

3.The Block Educational officer,
Tirunelveli Nagar, Tirunelveli District.

4.The Correspondent,
STC Branch Upper Clapton Middle School,
Tirunelveli Town,
Tirunelveli District.

5.The Administrators, Church of South India -
Tirunelveli Diocese,
No.1680/8, North High Ground Road,
St. Jhon's College Hostel Campus,
Near Krishna Hospital, Palayamkottai,
Tirunelveli District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent to forward the proposal pending before her to the office of the 2nd respondent and consequently direct the 2nd respondent to consider and pass orders in respect of approval the appointment of the petitioner from the date of her appointment i.e. from 15.10.2015 in the 4th respondent school as Secondary Grade Teacher by considering the proposal submitted by the 4th respondent dated 16.12.2019 on the basis of the proceedings of the Administrators/5th respondent dated 23.11.2019.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.A.Thiyagarajan, G.A., for RR1 to 3



ORDER

The prayer sought for herein is for a writ of Mandamus, directing the 3rd respondent to forward the proposal pending before her to the office of the 2nd respondent and consequently direct the 2nd respondent to consider and pass orders in respect of approval the appointment of the petitioner from the date of her appointment i.e. from 15.10.2015 in the 4th respondent school as Secondary Grade Teacher by considering the proposal submitted by the 4th respondent dated 16.12.2019 on the basis of the proceedings of the Administrators/5th respondent dated 23.11.2019.

2.Heard Mr.K.Samidurai, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents 1 to 3. Since no adverse order is going to be passed as against the respondents 4 and 5, notice to them is dispensed with.

3.The grievance of the petitioner is that the 4th respondent has forwarded the proposal to the 2nd respondent with regard to the appointment of Secondary Grade Teacher and the said proposal in fact was returned and subsequently, after having verified by the Court appointed Administrators of the Management of the 4th respondent School, they have directed to resubmit the proposal as the appointment made by the 4th respondent school was in order in all respect. Pursuant to the Administrators' directive, the 4th respondent has resubmitted the proposal on 16.12.2019 to the 1st and 2nd respondents. However, so far, the said proposal resubmitted has not been approved and no orders have been so far passed. Therefore, the petitioner is before this Court.

4.Heard the learned Government Advocate appearing for the respondents 1 to 3, who would submit that the said proposal resubmitted on 16.12.2019 by the 4th respondent school as directed by the Administrators would be considered on merits and orders to that effect would be passed within a time frame to be fixed by this Court.

5.Considering the said aspects of the issue, this Court is inclined to dispose of this writ petition with the following direction:

"The resubmitted proposal dated 16.12.2019 of the 4th respondent school made to the 1st and 2nd respondents through the 3rd respondent shall be considered on merits and in accordance with law and orders shall be passed thereon, with regard to the approval of the appointment of the petitioner as Secondary Grade Teacher made therein, within a period of six weeks from the date of receipt of a copy of this order."



6. With this direction, this writ petition is disposed of. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (RECORDS)

/ /2020

Sub Assistant Registrar (CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
2. The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.
3. The Block Educational officer,
Tirunelveli Nagar, Tirunelveli District.

+1 CC to Mr.K.SAMIDURAI, Advocate (SR-13179[F] dated
22/07/2020)

Order made in

W.P. (MD) No. 7605 of 2020

20.07.2020

 KM (07.08.2020) 3P 5C