



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2020**
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9577 of 2020

The Secretary,
Sitalakshmi Girls Higher Secondary School,
Thirunagar,
Madurai District-625 006.

... Petitioner

-Vs-

- 1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Madurai, Madurai District.
- 2.The District Educational Officer,
O/o.The District Educational Officer,
Thirumangalam,
Madurai District-625 706.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondent No.2 to provide necessary permission to fill up the vacant post of Lab Assistant in the petitioner's School by considering the representation dated 09.06.2020 within the time stipulated by this Court.

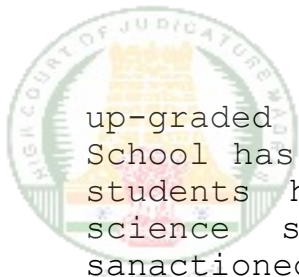
For Petitioner : Mr.S.Louis
For Respondents : Mr.M.Thilagar,
Government Advocate

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the Respondent No.2 to provide necessary permission to fill up the vacant post of Lab Assistant in the petitioner's School by considering the representation dated 09.06.2020 within the time stipulated by this Court.

2. Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.M.Thilagar, learned Government Advocate appearing for the respondents.

3. The petitioner's School is a recognised aided Higher Secondary School from the year 1978, as in that year, the School was



up-graded from High School to Higher Secondary School. Because the School has become higher secondary school, 10th, 11th and +2 standard students have to be given training in laboratories in various science subjects and therefore, the post of Lab Assistant sanctioned in the said school have to be filled up.

WEB COPY

4. The Lab Assistant working in the school since resigned the job from 28.09.2018 on personal reasons, the post has been initially vacant and subsequently, when the same was filled up with one candidate called Mrs.P.Muthu Shanthi, the said proposal was rejected by the second respondent by order dated 17.10.2019. Only in these circumstances, the petitioner's school now by way of the request dated 09.06.2020 seeking prior permission from the respondents to fill up the post of Lab Assistant as the Lab Assistant since has been kept vacant for long time, the students are suffered a lot.

5. The learned counsel appearing for the petitioner's School would submit that, if the request of the petitioner dated 09.06.2020 is considered by the respondents and orders to that effect with regard to the prior permission is passed, within a time to be stipulated by this Court, the petitioner would be satisfied.

6. The learned Government Advocate appearing for the respondents would submit that, even though the earlier appointment made in the said Lab Assistant post was rejected by the official respondents, now the petitioner's school only is asking the prior approval, hence the said request would be considered on merits by the respondents and accordingly necessary orders to that effect would be passed on merits and in accordance with law, within a time frame to be stipulated by this Court.

7. Considering the said submissions made by both sides and having regard to the said factual matrix, this Court is inclined to dispose of this writ petition, with the following direction:

"that the respondents are hereby directed to consider the request of the petitioner dated 09.06.2020 seeking prior approval to fill up the post of Lab Assistant at the petitioner's School and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With this directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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,
Madurai,
Madurai District.
- 2.The District Educational Officer,
Thirumangalam,
Madurai District-625 706.

+1 CC to M/s.Special Govt.Pleader (SR-14646[F] dated 21/08/2020)

Order made in
W.P. (MD)No.9577 of 2020
Dated:**19.08.2020**

am

SDS (06.10.2020) 3P-4C