



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.10400 of 2020

and

W.M.P. (MD) .No.9215 of 2020

The Correspondent,
Senaithalaivar Higher Secondary School,
Vickramasingapuram-627 425,
Tirunelveli District.

... 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,
Tirunelveli, Tirunelveli District.

4) The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third and fourth respondents to approve forthwith the appointment of Mrs.M.Anantha Jothi, as B.T. Assistant (English) w.e.f. 03.02.2020, with all attendant benefits salary and allowances.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.A.Thiyagarajan
Government Advocate

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus seeking for a direction to the third and fourth



respondents to approve forthwith the appointment of Mrs.M.Anantha Jothi as B.T. Assistant (English) w.e.f. 03.02.2020, with all attendant benefits salary and allowances.

2. The petitioner is a minority aided Educational Institution, duly recognised by the Authorities concerned, where among various sanctioned teaching posts, there is one post of B.T. Assistant (English), wherein one R.Rossmay Angelina was working and she resigned the job on her own willingness with effect from 01.02.2020. The said post has become vacant, where one M.Anandha Jothi has been appointed with effect from 03.02.2020. Pursuant to the said appointment, on 18.02.2020, the petitioner School has sent a proposal to the respondents for approval of the appointment of M.Anandha Jothi with necessary certificates.

3. However, on considering the said proposal, the second respondent has returned the proposal by proceedings, dated 24.02.2020 by raising certain queries. The said queries raised by the second respondent vide his proceedings dated 24.02.2020 has been answered and on compliance, the said proposal has once again been resubmitted by the petitioner School on 11.03.2020 seeking approval of the said appointment. However, till date, the said proposal is pending with the respondents, especially the second and third respondents. Therefore, the learned counsel for the petitioner would submit that, if the resubmitted proposal is directed to be considered on merits and an order to that effect, with regard to the approval sought for, is directed to be passed within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4. Heard Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents, who would submit that, the said resubmitted proposal sent by the petitioner School dated 11.03.2020 would be considered on merits and in accordance with law and accordingly, final orders would be passed within a time frame.

5. Considering the said submission made by the learned Government Advocate appearing for the official respondents as well the learned counsel appearing for the petitioner, and having perused the materials placed before this Court, this Writ Petition is disposed of with the following order:-

"that the proposal submitted by the petitioner School, dated 18.02.2020 and the resubmitted proposal, dated 11.03.2020 shall be considered by the respondents 2 and 3, on merits and in accordance with law and accordingly pass necessary final orders with regard to the grievance of the petitioner for seeking approval to the appointment of B.T. Teacher (English) at the petitioner School and the said order shall be passed by the respondents within a period of eight weeks from the date of receipt of a copy of this order."



6. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD).No.9215 of 2020 is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Secretary,
the 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.
- 3) The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4) The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

+1 CC to Mr.K. PRABHU, Advocate (SR-15630[F] dated 02/09/2020)

Order made in
W.P. (MD) No.10400 of 2020
31.08.2020

VB (29.09.2020) 3P 6C