



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.10161 of 2020

P.Nithya

... Petitioner

-Vs-

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul District, Dindigul.

2.The District Educational Officer,
Office of the District Educational Officer,
Palani, Dindigul District.

3.The Secretary,
Sreenivasan Memorial Girls Hr.Sec School,
Chattrapatti Post, Ottanchattiram Taluk,
Dindigul District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider and pass orders on the proposal sent by the third respondent herein dated 30.05.2020 seeking approval of the petitioner's appointment to the post of P.G.Assistant (Maths).

For Petitioner : Mr.M.Thirunavukkarasu
For Respondents : Mr.M.Thilagar
Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider and pass orders on the proposal sent by the third respondent herein dated 30.05.2020 seeking approval of the petitioner's appointment to the post of P.G.Assistant (Maths).

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

3.By consent of both sides, this writ petition is taken up for final disposal at the admissions stage itself.

4.In the third respondent School, which is the recognized Aided School, in the P.G.Assistant (Maths) post one K.Natchammal was working and on 20.04.2019, she was promoted as Headmistress of the School. Therefore, from 20.04.2019 onwards, the post of P.G.Assistant (Maths) has become vacant in the School.



5. In order to fill up the said post of P.G.Assistant (Maths) since the third respondent School is a Non-minority Institution, as per the provisions of the Act i.e., Tamil Nadu Private School Regulation Act, it seems to have sought for prior permission from the concerned authority, namely, the first respondent to fill up the post and the said request of the third respondent School having been considered by the first respondent, such a permission was given by the first respondent vide his proceedings dated 16.03.2020. Pursuant to the said permission given by the first respondent, the third respondent School appointed the petitioner, who is an eligible Teacher to hold the post of P.G.Assistant (Maths) on 30.05.2020 and on that date, she has taken charge of the said post and accordingly, a proposal with all necessary documents to that effect seeking approval of such appointment has been sent by the third respondent School on 30.05.2020 itself to the respondent i.e., first respondent through the second respondent and thereafter, since the said proposal has not been considered, a reminder seems to have been sent by School on 10.08.2020. However, till date the said approval has not been given. Therefore, the petitioner being the Teacher appointed in the said post and whose appointment approval proposal is pending with the first respondent, she has chosen to file this writ petition.

6. The learned counsel appearing for the petitioner would submit that, with the aforesaid facts he seeks indulgence of this Court to issue a writ of mandamus by way of direction to the respondents to consider the said proposal sent by the School with regard to the appointment of the petitioner within a time frame.

7. I have heard the learned Government Advocate appearing for the respondents, who would submit that, the said proposal sent by the School, dated 30.05.2020 with regard to the appointment of the petitioner as P.G.Assistant (Maths) would be considered on merits by the first respondent, who is the competent authority to do so and accordingly, final order would be passed within a time frame that may be stipulated by this Court.

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

'that the first respondent is hereby directed to consider the proposal sent by the third respondent School with regard to the appointment of the petitioner as P.G.Assistant (Maths) at the third respondent School, which is the sanctioned vacancy, for which, prior permission was already given by the first respondent, accordingly, the said proposal shall



be considered on merits and in accordance with law and necessary orders to that effect with regard to the approval of such appointment shall be passed by the first respondent, within a period of six (6) weeks from the date of receipt of a copy of this order.'

WEB COPY

9. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmk

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,
Office of the Chief Educational Officer,
Dindigul District, Dindigul.
2. The District Educational Officer,
Office of the District Educational Officer,
Palani, Dindigul District.
3. The Secretary,
Sreenivasan Memorial Girls Hr. Sec School,
Chattrapatti Post,
Ottanchattiram Taluk,
Dindigul District.

+1 CC to SGP (SR-15221[F] dated 28/08/2020)

W.P. (MD)No.10161 of 2020
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PM(CO)

KM (05.10.2020) 3P 5C