



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.17030 of 2020

T.Antony Selvan

... Petitioner

-Vs-

1.The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006.

2.The Chief Educational Officer,
O/o., The Chief Educational Officer,
Tuticorin District.

3.The District Educational Officer,
O/o. The District Educational Officer,
Tuticorin, Tuticorin District.

4.St.Lasalle Higher Secondary School,
Rep., by its Correspondent,
Tuticorin, Tuticorin 628 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents No.2 to reconsider the proposal seeking approval of the appointment of the petitioner in the post of B.T.Assistant in Tamil at fourth respondent School within the time period stipulated by this Court.

For Petitioner

: Mr.T.Lajapathy Roy

For Respondents

: Mr.N.Shanmugaselvan

Additional Government Pleader
for R1 & R2

ORDER

The writ petition has been filed for a Writ of Mandamus, to direct the second respondent to reconsider the proposal seeking approval of the appointment of the petitioner in the post of B.T.Assistant in Tamil at fourth respondent School within the stipulated time.



2. Heard Mr.T.Lajapathy Roy, learned counsel for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader, who took notice on behalf of the respondents 1 and 2. Since no adverse order is going to be passed against the respondents 3 and 4, notice to them is dispensed with.

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

4. The petitioner was originally appointed in the post of B.T. Assistant in Tamil at fourth respondent School on 12.03.2018. He was appointed in a sanctioned post, which became vacant due to the retirement of one Mr. Beny Moraise on 30.06.2015. However, the proposal for approval of his appointment was made way back in the academic year 2018 and the same was rejected on the ground of surplus appointments. Therefore, the petitioner filed W.P(MD). No.6642 of 2020 and the same is pending before this Court. Pending the above writ petition, now he has filed the present writ petition due to the change of circumstances. According to the writ petitioner, there is a change of circumstances, due to the fact that though the vacancy had arisen in the B.T. Assistant (Tamil) post in the fourth respondent School due to the promotion of one Mr. Wellington, who was promoted to the post of Head master on 01.08.2019, there is no impediment for the respondents to grant approval to the petitioner's appointment. In this regard, it is submitted that he has given a representation to the second respondent on 28.08.2020 requesting to reconsider the proposal in view of the change of circumstances, but no order has been passed so far. Hence, the petitioner approached this Court for appropriate order.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 fairly submitted that the petitioner has already filed W.P(MD).No.6642 of 2020 challenging the rejection order of the approval of the petitioner's appointment. Pending the above writ petition, it may be difficult for the respondents to reconsider the proposal.

6. The learned counsel for the petitioner submitted that the petitioner is ready to withdraw the earlier writ petition and the writ petitioner's request may be reconsidered by the respondents.

7. In view of the submissions made by both sides and the fact that the petitioner intends to withdraw W.P(MD).No.6642 of 2020, this Court directs the second respondent to reconsider the proposal, in view of the change of circumstances and dispose of the petitioner's representation dated 28.08.2020 within a period of eight (8) weeks from the date of receipt of a copy of this order on merits and in accordance with law.



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

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// True Copy //

Sd/-

Assistant Registrar (CRL.SIDE)

/ /2020

Sub Assistant Registrar(CS)

rmk

To

1. The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006.

2. The Chief Educational Officer,
O/o. The Chief Educational Officer,
Tuticorin District.

3. The District Educational Officer,
O/o. The District Educational Officer,
Tuticorin, Tuticorin District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-23229[F] dated 30/11/2020)

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27.11.2020

SSS(CO)

KM (17.12.2020) 3P 5C