

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1080 of 2021

and

W.M.P.No.1203 of 2021

(Heard through VC)

N.Jayarani

.. Petitioner

-vs-

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
 - 2.The District Educational Officer,
Virudhachalam Education District,
Virudhachalam.
 - 3.The Block Educational Officer,
Virudhachalam Block,
Virudhachalam District.
 - 4.Central Manager / Education Board,
Arcot Lutheran Church,
361/C, Netaji Nagar, Thiruvannamalai - 606 604.
 - 5.The Secretary,
Church Board of Arcot Lutheran Church,
44/11/V, Durabalu Street,
Thiruvannamalai.
 - 6.The Correspondent,
Danish Mission Elementary School,
Pudukkuppam,
Virudhachalam - 606 001,
Cuddalore District.
- .. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to approve the appointment of the petitioner in the sanctioned post of Secondary Grade Teacher in the 6th respondent school from the date of appointment on 07.02.2018, on accepting the proposal from the 6th respondent school dated 04.10.2019, with consequential and other attendant benefits for payment of salary from the date of appointment and other service benefits, within a time frame fixed by this Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.P.Raja
1 to 3 Government Advocate

O R D E R

The writ petition has been filed, seeking a direction to the respondents 1 to 3 to approve the appointment of the petitioner in the sanctioned post of Secondary Grade Teacher in the 6th respondent school from the date of appointment dated 07.02.2018, on accepting the proposal from the 6th respondent school dated 04.10.2019, with consequential and other attendant benefits for payment of salary from the date of appointment and other service benefits, within a time frame fixed by this Court.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents 1 to 3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The facts of the case is that the petitioner is qualified with Diploma in Teacher Education. Further, she is a handicapped person suffering 60% of Orthopaedic disability. She has registered her name and qualification in the Employment Exchange as well as the Church Board of Arcot Lutheran Church, Cuddalore. The sixth respondent school is an aided minority school coming under the management of Arcot Lutheran Church. As a vacancy arose in the sixth respondent school to the post of Secondary Grade Teacher, the petitioner was selected and appointed in the said post vide appointment order dated 06.02.2018 issued by the fourth respondent. Based on the appointment order, she joined the school on 07.02.2018 and started signing Master Attendance Register. Her joining report was also duly signed and attested by the third respondent. While so, the sixth respondent has forwarded a proposal to the third respondent for approval of petitioner's appointment, which was returned by the third respondent without any endorsement. The grievance of the petitioner is that her appointment was made in the sanctioned post and it was also duly acknowledged by the Department. She continued to work from the date of appointment in anticipation of assessment of salary grant from the date of appointment. But till now, salary has not been granted to the petitioner. Hence, the petitioner has come up with the above prayer.

4. Considering the facts and circumstances of the case, as the petitioner is physically challenged person, the second respondent shall consider the request of the petitioner to approve the appointment in the sanctioned post of Secondary Grade Teacher taking into account the date of appointment and also the subsequent developments and pass appropriate orders

thereon, in accordance with law, if not already disposed of, after affording an opportunity of hearing to the petitioner as well as the respondents 4 to 6 and others, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

5. In case the proposal is available with the sixth respondent, the same may be send to the second respondent to consider the request of the petitioner. Since, no adverse orders are passed against the respondents 4 and 5, notice is dispensed with.

This Writ Petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

rsi

To

- 1.The Director of Elementary Education,
DPI Campus, College Road, Chennai - 600 006.
- 2.The District Educational Officer,
Virudhachalam Education District,
Virudhachalam.
- 3.The Block Educational Officer,
Virudhachalam Block,
Virudhachalam District.
- 4.Central Manager / Education Board,
Arcot Lutheran Church,
361/C, Netaji Nagar,
Thiruvannamalai - 606 604.

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 3601
+1cc to the Government Pleader, S.R.No. 3253

W.P.No.1080 of 2021
and

W.M.P.No.1203 of 2021

KK (CO)
GN(19/03/2021)