



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.03.2021
CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5253 of 2021

WEB COPY

M.Arokiaaraj

... Petitioner

-vs-

1.The Director of School Education,
Puducherry.

2.The Rev. Fr. Secretary,
Arch Diocesan Board of Education,
Puducherry.

3.The Principal/Headmaster,
Fatima Higher Secondary School,
Puducherry-8.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to grant approval for appointing the petitioner as Peon in the third respondent School with effect from 12.10.2005 and grant him all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.Syed Mustafa

O R D E R

This Writ petition is filed, seeking a direction to the first respondent to grant approval for appointing the petitioner as Peon in the third respondent School with effect from 12.10.2005 and grant him all consequential benefits.

2.Mr.Syed Mustafa, learned counsel takes notice for the respondents. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that he was initially appointed as Part Time Sanitary Assistant by Proceedings of the Principal, Fatima Higher Secondary School, Puducherry dated 01.09.1999 on a consolidated pay of Rs.1,683/- per month. Since the third respondent sought for approval of appointment, the same was granted by the Director of School Education by Proceedings dated 27.11.2000. Since the post of Peon became vacant, the petitioner has been working as Peon at the Fatima Higher Secondary School, Karuvadikuppam, Lawspet, Puducherry. Thereafter, the third respondent sent a proposal dated



23.02.2010 to the Directorate of School Education seeking permission to appoint the petitioner to the post of Peon. Since no order has been passed, the petitioner is continued to be paid a meager amount of Rs.6,458/- per month. Therefore, the petitioner submitted a representation to the 1st respondent namely the Director of School Education, Puducherry on 25.01.2021 seeking approval. As there was no response, the petitioner is before this Court seeking the above prayer.

4. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 25.01.2021 to grant approval for appointing him as Peon, but, the same is yet to be disposed of by the respondents. However, the learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered by the respondents.

5. Mr.Syed Mustafa, learned counsel taking notice for the respondents, submitted that the respondents be directed to consider the petitioner's representation and pass orders in accordance with law.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation preferred by the petitioner dated 25.01.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;



iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 25.01.2021 and this order, to the 1st respondent forthwith;

v) The 1st respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of School Education,
Puducherry.
- 2.The Rev. Fr. Secretary,
Arch Diocesan Board of Education,
Puducherry.
- 3.The Principal/Headmaster,
Fatima Higher Secondary School,
Puducherry-8.

+1cc to The Government Pleader for Puducherry, SR.NO..14602

AKM/31.03.21/ 3P-5C/

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