

IN The HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.03.2021
CORAM:
The HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.5429 of 2021

The Headmistress & Correspondent
St. Gabriel Aided Girls Primary School,
A.N.Mangalam,
Karipatti,
Ayothiyapattinam Union,
Salem District - 636 106.

... Petitioner

-vs-

- 1.The State of Tamil Nadu,
rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 009.
- 3.The District Educational Officer,
Office of the DEO,
Room No.306, Salem Urban,
Salem Collectorate,
Salem District - 636 001.
- 4.Block Educational Officer,
Office of the BEO,
Ayothiyapattinam,
Salem District - 636 103.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to consider the petitioner's proposal dated 01.02.2021 for approving the appointment of the incumbent Tmt.Jancy as a Secondary Grade Teacher from the date of her appointment i.e. 08.06.2017 and grant all the monetary benefits to her in the petitioner school.

For Petitioner : Ms.S.Amala Irudhaya Mary

For Respondents: Mr.P.Raja,
Government Advocate

O R D E R

This Writ petition is filed, seeking a direction to the respondents herein to consider the petitioner's proposal dated 01.02.2021 for approving the appointment of the incumbent Tmt.Jancy as a Secondary Grade Teacher from the date of her appointment i.e. 08.06.2017 and grant all the monetary benefits to her in the petitioner school.

2.Mr.P.Raja, learned Government Advocate takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. According to the petitioner, they are recognised and aided minority educational institution. It is stated that one post of Secondary Grade Teacher in the School fell vacant on 08.06.2017, due to the transferred vacancy of one G.Jeya Chithra and in the said place, an eligible and qualified candidate namely, Jancy was appointed on 08.06.2017. Thereafter, the petitioner sent a proposal for approval of the said Jancy as a Secondary Grade Teacher to the third respondent and the 3rd respondent had returned the same, raising some new queries vide Proceedings dated 03.09.2018. Though the petitioner submitted their proposal attaching all the required documents several times, there was no response from the respondents. Therefore, the petitioner is before this Court by filing the present Writ Petition, seeking the aforesaid relief.

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

i) A direction is issued to the respondents herein to consider the proposal preferred by the petitioner dated 01.02.2021, 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 3rd 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 01.02.2021 and this order, to the 3rd respondent forthwith;

v) The 3rd 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/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vum

To

1.The Secretary,
Department of School Education,
The State of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Director of School Education,
College Road,
Chennai-600 009.

3.The District Educational Officer,
Office of the DEO,
Room No.306, Salem Urban,
Salem Collectorate,
Salem District - 636 001.

4.Block Educational Officer,
Office of the BEO,
Ayothiyapattinam,
Salem District - 636 103.

+1 cc to Mr.S.Amala Irudhayamary Advocate sr15057

+1 cc to Government pleader sr14856

W.P.No.5429 of 2021

aa09/04/021



WEB COPY