



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.18626 OF 2021

AND

W.M.P.NO.19865 OF 2021

(Through Video Conferencing)

S.B.M.High School,
Represented by its Correspondent,
D.David Livingston,
Namakkal, Namakkal District.

...Petitioner

.Vs.

1. The Chief Educational Officer,
Order of the Chief Educational Office,
Namakkal, Namakkal District.
2. The District Educational Officer,
Order of the District Educational Office,
Namakkal, Namakkal District.

...Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in his proceedings in OO.Mu.No.74/A3/2021 dated 09.02.2021 and quash the same as illegal and consequently to direct the first respondent to approve the appointment of D.Daniel Devaraaj as B.T.Assistant (Science) with effect from 14.10.2020 and pay arrears of salary with all other attendant benefits.

For Petitioner : Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate



ORDER

The learned senior counsel for the petitioner and the learned Government Advocate for the respondents submits that the issue is now squarely covered by the decision of the Madurai Bench of this Court in the case of Secretary to Government, Education Department, Chennai and others Vs S.Jeyalakshmi and another, (2016) 5 CTC 639, has followed by the decision of the Madurai Bench of this Court in the case of P.Savarimuthu Maria George Vs The District Elementary Educational Officer, Virudhunagar District and others, passed in W.A(MD).No.948 of 2018 dated 13.12.2018 and another decision of the Madurai Bench of this Court in the case of The Director of School Education, Chennai and others Vs John Wesley and others, passed in W.A(MD). Nos.1416 to 1419 of 2019 dated 27.11.2019.

2. In view of the same, this Writ Petition stands allowed. The respondents are therefore directed to approve the appointment of D.Daniel Devaraaj as B.T.Assistant (Science) in the petitioner's School within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

arb

To

1. The Chief Educational Officer,
Order of the Chief Educational Office,
Namakkal, Namakkal District.
2. The District Educational Officer,
Order of the District Educational Office,
Namakkal, Namakkal District.

+1cc to the Government Pleader, S.R.No.45566

W.P.NO.18626 OF 2021 AND
W.M.P.NO.19865 OF 2021

SSI(CO)
PBS(17/09/2021)