

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.17482 of 2020

Mr.A.K.Shanmugam

.. Petitioner

Vs.

1.The Chief Educational Officer
Panagal Maligai
Saidapet, Chennai - 15

2.The District Educational Officer
Chennai North District
Chennai - 8

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to grant approval for appointment of the petitioner as B.T. Assistant (History) in the Madras Progressive Union Higher Secondary School, Chennai in light of the proposals sent by the 2nd respondent dated 06.02.2019 and 02.03.2020.

* * *

For Petitioner : Mr.Balamurali Krishnan
for Mr.K.S.Saravanan

For R1 and R2 : Mr.P.Raja, Govt. Advocate

सत्यमेव जयते
O R D E R

The petitioner has sought for a writ of mandamus, directing the 1st respondent to grant approval for appointment of the petitioner as B.T. Assistant (History) in the Madras Progressive Union Higher Secondary School, Chennai in light of the proposals sent by the 2nd respondent dated 06.02.2019 and 02.03.2020.

2. The case of the petitioner is that he has joined the service as Junior Assistant in Madras Progressive Union Secondary School, Chennai on 10.06.2014. Pursuant to the vacancy caused due to the transfer of one teacher, a vacancy arose in the post of B.T. Assistant (Social Science) in the said school and that the petitioner has applied for the same. On 21.09.2017,

the School Committee resolved to promote the petitioner as B.T. Assistant (Social Science) and that the petitioner was promoted as B.T. Assistant with effect from 22.09.2017 and that he has been discharging his duties as B.T. Assistant Social Science, since then.

3. It is the further case of the petitioner that on 15.02.2018, the management of the school made an application to the 1st respondent seeking approval of petitioner's promotion and that for want of certain clarifications, the first respondent returned the application and the same was returned to the first respondent, after due compliance. On 06.02.2019, the second respondent, namely the District Educational Officer, Chennai North District, Chennai has sent a proposal seeking approval for promotion of petitioner as B.T. Assistant. As there was no action taken on the earlier proposal, at the request of the school, the second respondent sent the second proposal dated 02.03.2020 to the first respondent. As both the proposals have not yielded any response, the petitioner is constrained to knock at the doors of this court.

4. Mr.P.Raja, the learned Government Advocate, who took notice on behalf of the respondents, filed a counter and submitted that due to the outbreak of corona virus pandemic, all the schools have been closed since February 2020 and hence the respondents are not able to conduct inspection/visit, to ascertain the correctness of petitioner's claim. He further submitted that the proposal of modifying one surplus post of B.T.Assistant (Social Science) Telugu post to B.T. Assistant (Social Science) Tamil post is pending with the first respondent and that the petitioner's claim to grant approval to the promotional post as B.T. Assistant (Social Science) could not be entertained at this juncture.

5. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

6. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the first respondent to decide on the proposals dated 06.02.2019 and 02.03.2020 sent by the second respondent, within a period of two months from the date of receipt of a copy of this order, and communicate the same to the petitioner.

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

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

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To

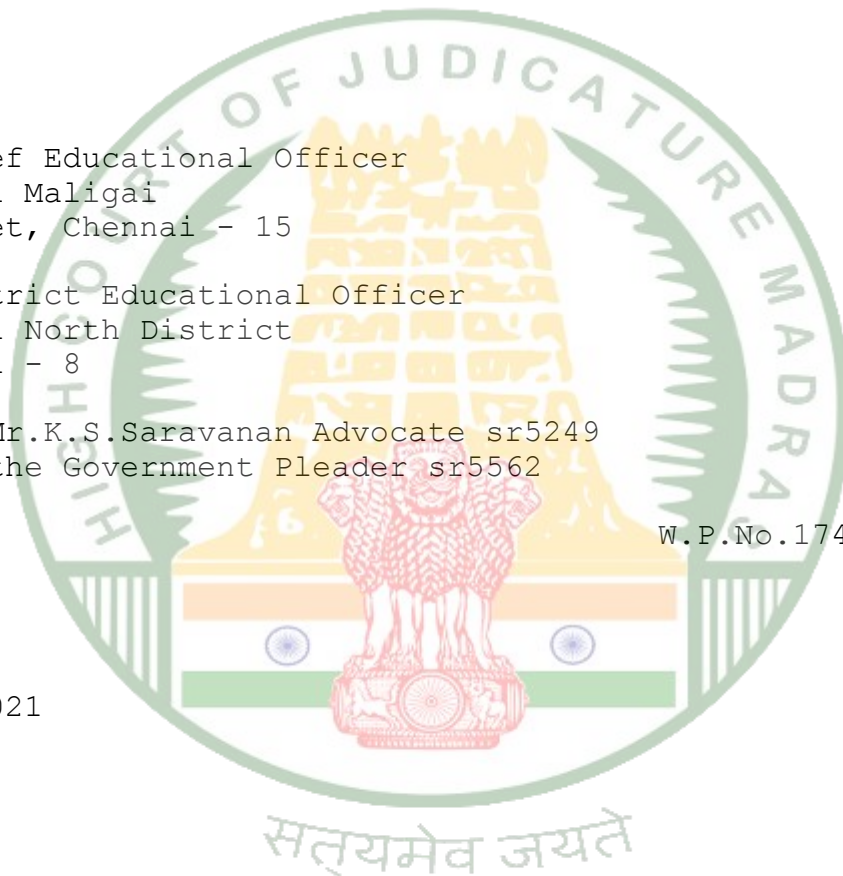
1.The Chief Educational Officer
Panagal Maligai
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+1 cc to Mr.K.S.Saravanan Advocate sr5249
+1 cc to the Government Pleader sr5562

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