



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.21159 of 2019

and

W.M.P.No.20359 of 2019

M.Arun Christmas Rajan,
B.T.Assistant (History)
Danish Mission Higher Secondary School,
Thiruvannamalai.

...Petitioner

Vs.

1.The Director of School Education,
D.P.I.Buildings, College Road,
Chennai - 6.

2.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

3.The District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

4.The Correspondent,
Danish Mission Higher Secondary School,
Thiruvannamalai - 606 601.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.4014/Aa2/2018, dated 26.10.2018 and quash the same and consequently direct the 1st to 3rd respondents to approve the appointment of the petitioner as B.T.Assistant (History) in the 4th respondent school with effect from 01.03.2016 with all consequential monetary benefits.

For Petitioner : Mr.S.N.Ravichandran

For Respondents: Mr.K.V.Sajeev Kumar
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



2. The petitioner herein is aggrieved against his non-approval of appointment to the post of B.T. Assistant (History) with effect from 01.03.2016.

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3. Today, when the matter was called, the learned counsel for the petitioner submitted that the proposal for approval has been resubmitted by the respondent School on 13.09.2019 and the proposal is now pending before the second and third respondents herein. The learned counsel also submitted that they would be satisfied if a direction is given to the Educational Authorities to consider such a proposal and take a final decision within a stipulated time. Such a request seems to be reasonable.

4. It is seen that the earlier proposal submitted by the respondent School was rejected on the ground that there was a litigation pending between one Asirvatham, who was holding the post of B.T. Assistant in the respondent School and also on the reason that there was surplus teachers in the respondent School.

5. The learned counsel for the petitioner submitted that the litigation has come to a conclusion and as of now, there are no surplus teachers in the fourth respondent School. It is in this background that the respondent School had resubmitted the proposal to the fourth respondent. Hence, it would be appropriate to grant liberty to the official respondents to reconsider the proposal of the respondent School.

6. In the light of the above observation, there shall be a direction to the second and third respondents herein to reconsider the proposal submitted by the fourth respondent School on 13.09.2019 on its own merits and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. Such an exercise shall be done without reference to the earlier impugned rejection order dated 26.10.2018, passed by the first respondent.

7. The writ petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

hvk



To

1.The Director of School Education,
D.P.I.Buildings, College Road,
Chennai - 6.

2.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

3.The District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

+1 CC to Mr.S.N.Ravichandran, Advocate sr 35153.

+1 CC to The Government Pleader sr 35570.

W.P.No.21159 of 2019

GLP(CO)
SP(19/08/2021)