



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33239 of 2019

G.Prabudoss

...Petitioner

Vs

1.The Chief Educational Officer
Cuddalore District
Cuddalore.

2.The District Educational Officer
Virudachalam-606 001.

3.The Correspondent
Danish Mission Higher Secondary School
Pudukuppam
Virudachalam-606 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to re-submit the proposals to the 2nd respondent for approval of petitioner's appointment in the temporary vacancy (leave vacancy) in sanctioned post of BT Assistant-Mathematics at Danish Mission Higher Secondary School, Virudhachalam - 606 001 and consequentially direct the 2nd respondent to issue the order approving the appointment of the petitioner.

For Petitioner : Mr.T.Senthilkumar

For Respondents : Mr.K.Tippu Sulthan
Government Advocate for R1 and R2

O R D E R

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

2.The limited prayer sought for in the Writ Petition is for a Mandamus to direct the 3rd respondent to re-submit the proposals to the 2nd respondent for approval of petitioner's appointment in the temporary vacancy (leave vacancy) in sanctioned post of BT Assistant-Mathematics at Danish Mission Higher Secondary School, Virudhachalam - 606 001 and consequentially direct the 2nd respondent to issue the order approving the appointment of the petitioner.



3. According to the petitioner, one Mrs. Adalin, who is a regularly appointed Teacher in the sanctioned post under the 3rd respondent herein, had gone on Maternity Leave, owing to which, a temporary vacancy arose from 25.02.2017 to 21.11.2017 in the post of BT Assistant-Mathematics. The petitioner herein was appointed in the temporary vacancy from 25.02.2017 to 09.07.2017 and likewise from 29.03.2019 to 23.12.2019. When the 3rd respondent had sought for approval, before the 2nd respondent for the temporary appointment of the petitioner, the application has been returned with some queries.

4. It is not in dispute that in case approval is granted, the petitioner herein would be entitled for the salaries for his temporary appointment during the leave vacancies. It is only because, the application seeking for approval of the petitioner's temporary appointment has been returned by the 2nd respondent to the 3rd respondent on various occasions, the application has been kept pending. In this connection, if the 3rd respondent is called upon to re-submit the approval application to the 2nd respondent with a consequential direction to the 2nd respondent to consider the same within a stipulated time, then the ends of justice could be secured.

5. In the light of the above observations, there shall be a direction to the 3rd respondent herein to properly re-submit the application seeking for approval of the petitioner's temporary appointment, by including all the required supporting testimonials to the 2nd respondent herein and on receipt of the same, the 2nd respondent shall consider it, as expeditiously as possible and take further course of action, at least within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Educational Officer
Cuddalore District
Cuddalore.

2. The District Educational Officer
<https://hcservices.ecourts.gov.in/hcservices/>
Virudachalam-606 001.



3.The Correspondent,
Danish Mission Higher Secondary School,
Pudukuppam,
Virudhachalam-606 001.

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+1cc to M/s. Sivavarthana, Advocate, S.R.No.33669

W.P.No.33239 of 2019

MG (CO)
RVM(27/07/2021)