



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.8501 of 2012

and

M.P. (MD)No. 2 of 2012

WEB COPY

S.Easter Devavaram

... Petitioner

Vs.

1.The Chief Educational Officer,
Pudukottai-622 001,
Pudukottai District.

2.The District Educational Officer,
Pudukottai-622 001,
Pudukottai District.

3.The Correspondent,
TELC Higher Secondary School,
Pudukottai-622 001,
Pudukottai District.

... Respondents

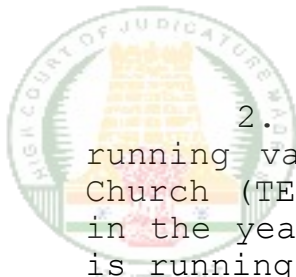
Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the second respondent in A.T.Mu.No.3475/A4/2011, dated 24.10.2011 and quash the same and consequently direct the second respondent herein to approve the appointment of the petitioner as BT Assistant (Maths) in the third respondent School from the date of appointment ie., 01.06.2006 with all consequential benefits.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mrs.S.Srimathy
Special Government Pleader
for R.1 and R.2
: Mr.Mohamed Imran
for M/s Ajmal Associates for R.3

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in A.T.Mu.No.3475/A4/2011, dated 24.10.2011 and quash the same and consequently direct the second respondent herein to approve the appointment of the petitioner as BT Assistant (Maths) in the third respondent School from the date of appointment ie., 01.06.2006 with all consequential benefits.



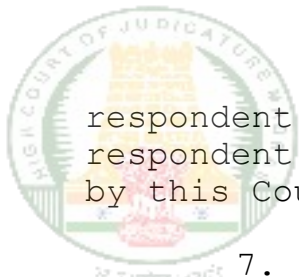
2. The case of the petitioner is that the third respondent is running various schools under the Tamil Nadu Evangelical Lutheran Church (TELC), which is a registered Society and it was established in the year 1895. The said Society is governed by its Bye Laws. It is running 137 Primary Schools, 27 Middle Schools, 6 High Schools, 9 Higher Secondary Schools and 2 Teacher Training Institutions and one Arts and Science College. All those institutions are all recognized Minority Educational Institutions. While so, the third respondent viz, the TELC Higher Secondary School, Pudukottai appointed the petitioner as BT Assistant on 01.06.2006 in the place of one C.Manuvel Manoharan, B.T Assistant (Maths), who was retired from service in the year 2006. Thereafter, the third respondent sent a proposal to the second respondent for approval of his appointment along with other persons, who were appointed in the vacancies. However, the second respondent returned the approval papers in respect of the petitioner's appointment and other persons, on the ground that they were appointed in the surplus category.

3. Aggrieved by the said order of return, the third respondent filed an appeal before the first respondent and the first respondent, vide his order dated 30.06.2006, passed an order by declaring that 2 PG Assistants, 2 BT Assistants and 2 Secondary Grade Teachers were surplus and those teachers were working without sufficient students strength, besides 2 PG Assistants post and 2 BT Assistants posts were also declared surplus, for which, no teachers were appointed. Subsequently, the first respondent had withdrawn the sanctioned posts of 2 PG Assistants and 2 BT Assistants to the Directorate of School Education.

4. Aggrieved over the said order of deployment and withdrawal of sanctioned posts, the third respondent filed a writ petition before this Court in W.P.(MD)No,5673 of 2006. While entertaining the writ petition, this Court granted an order of ad-interim stay and subsequently, the interim stay was made absolute. Subsequently, for the year 2010-2011, the staff strength was increased and the staff fixation order was issued on 20.09.2010. As per the staff fixation order, the third respondent was eligible 4 BT Assistant (Maths) and the respondents 1 and 2 were ready to approve the petitioner's appointment and also the other persons. Subsequently, the third respondent withdrew the writ petition filed earlier and accordingly, the said writ petition was dismissed as withdrawn.

5. As per staff fixation order, the third respondent School again forwarded the petitioner's appointment proposal to the second respondent for approval on 04.07.2011. However, the second respondent returned the same with an endorsement to forward the proposal along with the next year fixation order, ie., 2011-2012. Challenging the same, the present writ petition is filed.

6. Learned Counsel appearing for the petitioner would submit <https://hcs.ecourts.gov.in/hcservices/> suffice if a direction is issued to the third



respondent to forward the proposal as directed by the second respondent in the impugned order, within a reasonable time as fixed by this Court.

7. Learned Special Government Pleader appearing for the respondents 1 and 2 has no serious objection for granting such relief to the petitioner.

8. Considering the limited prayer as now sought for by the learned Counsel appearing for the petitioner, the third respondent is directed to forward the proposal as directed by the second respondent in the impugned order, within a period of three months from the date of receipt of a copy of this order. After receipt of such proposal, the second respondent shall pass appropriate orders within a further period of three months thereafter.

9. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chief Educational Officer,
Pudukottai-622 001,Pudukottai District.

2.The District Educational Officer,
Pudukottai-622 001,Pudukottai District.

+1 CC to M/s.T.PON RAM KUMAR, Advocate (SR-4382[F] dated 10/02/2021)

+1 CC to M/s.SPL GP (SR-4673[F] dated 12/02/2021)

W.P(MD)No.8501 of 2012

10.02.2021

(SSS)CO

AP(23/02/2021) 3P 5C

<https://hcservices.ecourts.gov.in/hcservices/>