



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No. 6800 of 2020

R.Pugalendran

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Madurai,
Madurai District.

2.The District Educational Officer,
O/o. the District Educational Officer,
Thirumangalam,
Madurai District - 625 706.

3.The Secretary,
Savithabai (Kovai) Higher Secondary School,
Thirunagar,
Madurai District - 625 006.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of **Writ of Mandamus**, directing the Respondents No.1 and 2 to approve the appointment of the Petitioner as the B.T.Assistant (Tamil) in the 3rd Respondent School vide the appointment order dated 16.08.2019 with all monetary and Service benefits within the time stipulated by this Court, and pass such further or other orders as this Court.

For Petitioner	:	Mr.S.Louis
For Respondents	:	Mr.Veera Kathiravan, Additional Advocate General, Assisted by Mr.S.Shanmugavel, Standing Counsel for State.

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the first and second respondents to approve the appointment of the Petitioner as B.T.Assistant (Tamil) in the third respondent School vide the appointment order dated 16.08.2019 with all monetary and Service benefits.

2. According to the petitioner, due to the death of one P. Nagarajan, who was working as B.T. Assistant (Tamil) in the third respondent school, vacancy arose in the said school and the first



respondent granted permission to fill up the said post vide proceedings in Moo.Mu.No.6546/A5/2019 dated .07.2019 signed on 10.07.2019. Thereafter, the third respondent has invited applications to fill up the vacant post through paper publication on 11.07.2019. In the said recruitment process, the petitioner was selected and appointed as BT Assistant on 16.08.2019 in the third respondent School and he joined duty on 17.08.2019. The third respondent management has sent a proposal to the second respondent on 19.08.2019 and the same is still pending.

3. The learned counsel for the petitioner submitted that there is no surplus teacher declared by the respondent authority. The second respondent has not chosen to approve proposal sent by the third respondent for the appointment of petitioner and therefore the petitioner is working without salary from the date of appointment. Hence, the petitioner has filed the present Writ Petition.

4. The learned Additional Advocate General appearing for the respondents would submit that if the petitioner's proposal is pending with the second respondent, the second respondent will consider the said proposal and take appropriate decision in the light of Government Orders as well as decision of this court.

5. In view of the submissions made by the counsel for the parties concerned, this court, without going into the merits of the case, is inclined to direct the second respondent to consider the proposal submitted by the third respondent on 19.08.2019 for appointing the petitioner as B.T.Assistant (Tamil) in the third respondent school and pass order on its own merits and in accordance with law taking note of the Government Orders as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (P&A)

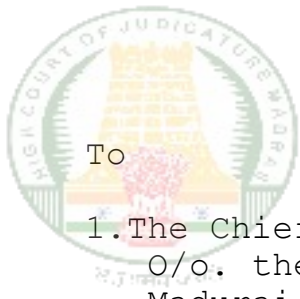
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/ /2021

Sub Assistant Registrar(CS)

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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,
O/o. the Chief Educational Officer,
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Madurai District.

2.The District Educational Officer,
O/o. the District Educational Officer,
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3.The Secretary,
Savithabai (Kovai) Higher Secondary School,
Thirunagar,
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+1 CC to M/s.S.LOUIS, Advocate (SR-30032[F] dated 23/09/2021)

+1 CC to M/s.SPL.GP (SR-30054[F] dated 23/09/2021)

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