



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.10286 of 2021

K.Savitha

... Petitioner

Vs.

1.District Educational Officer,
O/o.District Educational Officer,
Valliyoor, Tirunelveli District.

2.Block Educational Officer,
O/o.The Block Educational Officer,
Valliyoor, Tirunelveli District.

3.The Correspondent,
Holy Redeemer's Higher Secondary School,
Thisaiyanvilai Village,
Valliyoor Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to approve the petitioner's appointment in the post of P.G.Assistant (Tamil) in the third respondent School with effect from 24.07.2018 with all service and monetary benefits based on the proposal of the third respondent vide his letter, dated 05.11.2020 in the light of the orders passed by this Court in W.P(MD)No.15583/2017, dated 21.08.2017 and W.P(MD) No.22072/2019, dated 15.11.2019 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar

For R1 & R2 : Mr.K.S.Selvaganesan
Government Advocate

ORDER

The petitioner has filed this writ petition for a direction to the first respondent to approve the petitioner's appointment in the post of P.G.Assistant (Tamil) in the third respondent School with effect from 24.07.2018 with all service and monetary benefits based on the proposal of the third respondent vide his letter,



dated 05.11.2020, within the time limit that may be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2 and perused the materials available on record.

3. According to the petitioner, she was appointed as P.G.Assistant (Tamil) on 23.07.2018 in the third respondent School, which is a Government Aided Minority School, in the vacancy arose due to the transfer of one Mrs.I.Mary Freeda on 28.06.2018 AN. The third respondent School sent a proposal to the respondents 1 & 2 to approve the appointment of the petitioner as P.G.Assistant (Tamil) from 24.07.2018. The second respondent returned the proposal vide letter No.O.Mu.No.897/A2/2020, dated 09.10.2020 stating that since the third respondent school is a minority institution, which comes under R.C.Management Schools and surplus teachers are working in the School, there is no possibility to forward the proposal.

4. The learned counsel appearing for the petitioner submitted that the third respondent School is having no surplus vacancy in the post of P.G.Assistant (Tamil) and a Certificate is also issued by the third respondent School to that effect. The petitioner filed a writ petition in W.P(MD)No.8814 of 2021 seeking to approve her appointment as P.G.Assistant (Tamil). When the said writ petition came up for admission on 29.04.2021, the petitioner withdrew the same with liberty to file a fresh writ petition. Hence, the petitioner has come out with the present writ petition.

5. Considering the above facts, without deciding the issues on merits, this Court directs the respondents 1 & 2 to consider the proposal submitted by the third respondent, dated 05.11.2020 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



Note :

WEB COPY

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.District Educational Officer,
Valliyoor,
Tirunelveli District.

2.Block Educational Officer,
Valliyoor, Tirunelveli District.

+1 CC to SPL GP (SR-19752[F] dated 21/06/2021)

W.P. (MD)No.10286 of 2021
18.06.2021

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