



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.11934 of 2021

and

W.M.P(MD)No.9363 of 2021

The Correspondent,
Pallivasal Higher Secondary School,
Mudukulathur - 623 704,
Ramanathapuram District.

... Petitioner

vs.

1.The Director of School Education,
College Road,
Chennai - 600 006.

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

3.The District Educational Officer,
Mudukulathur,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent CEO and third respondent DEO to approve forthwith the appointment of M.Shaik Mansoor as B.T Assistant (Tamil) with effect from the date of his appointment viz., 15.07.2019 in the petitioner School with salary and all other attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.K.S.Selvaganesan
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents 2 and 3 to approve the appointment of M.Shaik Mansoor as B.T Assistant (Tamil) with effect from the date of his appointment viz., 15.07.2019, in the petitioner School with salary and all other attendant benefits.



2. According to the petitioner-School, it is an aided Minority Educational Institution. The post of Secondary Grade Teacher fell vacant on 31.10.2018 due to the promotion given to one Secondary Grade Teacher Ali Akbar as B.T Assistant (History) on 01.11.2018. In order to fill up that vacancy, the petitioner School appointed one M.Shaik Mansoor as B.T Assistant (Tamil) with effect from 15.07.2019. The petitioner School submitted a proposal, dated 22.07.2019, to the third respondent to approve the appointment of M.Shaik Mansoor as B.T Assistant (Tamil) with effect from 15.07.2019. The third respondent forwarded the proposal to the second respondent along with recommendation to approve the said appointment. The present appointment is made against sanctioned vacancy. The second respondent by proceedings, dated 01.07.2019, converted the post of Secondary Grade Teacher as B.T Assistant (Tamil) and permitted the School to fill up the post. The post is also very much available in the staff fixation settled by the second respondent. The second respondent has not passed any order till date. Hence, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. Considering the submissions made on either side, without deciding the issue on merits, the respondents 2 and 3 are directed to consider the proposal submitted by the petitioner School, dated 22.07.2019, 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.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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.

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



To

1.The Director of School Education,
College Road,
Chennai - 600 006.

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

3.The District Educational Officer,
Mudukulathur,
Ramanathapuram District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-22882[F]dated 16/07/2021)

+1 CC to M/s.SPL GP (SR-22912[F] dated 16/07/2021)

W.P (MD) No.11934 of 2021
15.07.2021

RK (30.07.2021) 3P 6C