



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.12918 of 2021

Hindu Nadar Uravinmurai Committee
Higher Secondary School,
Ariyanayagipuram,
Kadaiyanallur Taluk,
Tenkasi District - 627 862.
Rep. By its Secretary
Thiru N.Arunagirisamy.

... Petitioner

vs.

1.The Chief Educational Officer,
Tenkasi, Tenkasi District.

2.The District Educational Officer,
Sankarankovil,
Tenkasi District.

... Respondents

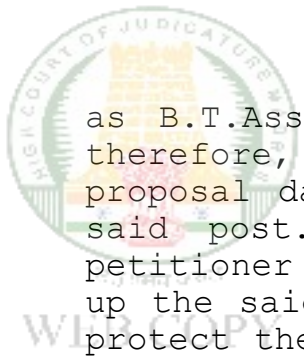
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent herein to grant prior permission for filling up the post of B.T.Assistant (Tamil) in the writ petitioner school by considering the proposal dated 09.09.2020 and consequently to grant approval for the appointment of one V.Kavitha as B.T.Assistant (Tamil) from the date of granting such prior permission by considering the proposal dated 07.02.2021 submitted by the writ petitioner school, within in the time limit fixed by this Court.

For Petitioner : Mr.VR.Shanmuganathan
For Respondents : Mr.P.Subbaraj,
Government Advocate.

ORDER

The petitioner has filed this Writ Petition seeking a direction to the first respondent to grant prior permission for filling up the post of B.T.Assistant (Tamil) in the petitioner school by considering the proposal dated 09.09.2020 and consequently to grant approval for the appointment of one V.Kavitha, as B.T.Assistant (Tamil) from the date of granting such prior permission by considering the proposal dated 07.02.2021, submitted by the writ petitioner school.

2.The petitioner school is a recognized Government aided school. The petitioner school had been sanctioned with various teaching and non-teaching staff. One P.Palanisamy, who was working



as B.T.Assistant (Tamil), retired from service on 30.11.2019 and therefore, the said post fell vacant. The petitioner school sent a proposal dated 09.09.2020, seeking prior permission to fill up the said post. No order was passed on the proposal sent by the petitioner school. Hence, the petitioner school was forced to fill up the said post by following due process of selection in order to protect the interest of the students. As per the decision taken by the school committee, to fill up the said post, they called for applications by publishing in daily News Paper. Pursuant to the advertisement, eligible candidates applied for the same. They were called for to attend written test and personal interview on 01.02.2021 which was conducted by the selection committee. One V.Kavitha, who is fully qualified to be appointed as B.T.Assistant (Tamil) was selected and her selection was approved by School Committee. The petitioner school submitted proposal dated 01.02.2021 to the first respondent seeking approval for appointment of said V.Kavitha as B.T.Assistant (Tamil). The learned counsel for the petitioner submitted that the said V.Kavitha also sent a representation dated 09.07.2021 to the first respondent requesting to grant approval of her appointment on the proposal submitted by the petitioner school. No order was passed on the said proposal also. Hence, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

4. From the materials available on record, it is seen that the incumbent P.Palanisamy, who was working as B.T.Assistant (Tamil) retired from service on 30.11.2019 and hence, the said sanctioned post fell vacant. The petitioner sought for prior permission to fill up the said post by sending proposal to the first respondent dated 09.09.2020. The first respondent has not passed any order on the said proposal. According to the petitioner, in view of the need of the post and to protect the interest of the students, they appointed one V.Kavitha as B.T.Assistant (Tamil) after following due process of selection and sent the proposal for approval of appointment of said V.Kavitha on 07.02.2021. Both the proposals are pending with the first respondent.

5. Considering the above materials, without deciding the issue on merits, the respondents are directed to consider the proposals of the petitioner school dated 09.09.2020 for prior permission and 07.02.2021 for approval of appointment of the said V.Kavitha as B.T.Assistant (Tamil) 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, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS III)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Tenkasi, Tenkasi District.

2.The District Educational Officer,
Sankarankovil,
Tenkasi District.

+1 CC to M/s.VR.SHANMUGHANATHAN, Advocate (SR-25032[F] dated
02/08/2021)

W.P (MD) No.12918 of 2021

29.07.2021

RS (01.09.2021) 3P 4C