



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.15860 of 2021

Anitha

... Petitioner

-vs-

1.The State of Tamil Nadu
rep.by its Secretary
Department of School Education
Fort St.George, Chennai-600 009

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

3.The Chief Educational Officer
Nagercoil, Kanyakumari District

4.The District Educational Officer
District Educational Office
Nagercoil, Kanyakumari District

5.The Correspondent
Scott Christian Higher Secondary School
Nagercoil, Kanyakumari District ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the fourth respondent to approve forthwith the petitioner's approval as P.G.Assistant (Physics) in the Scott Higher Secondary School, Nagercoil, with effect from 01.08.2016 with all attendant benefits including arrears of salary and allowances, without reference to the proceedings of the fourth respondent in Na.Ka.No.304/24/2021, dated 19.03.2021.

For Petitioner : Ms.A.Banumathy

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
assisted by Mr.S.Shanmugavel
Government Counsel for R1 to R4



O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the fourth respondent to approve forthwith the petitioner's appointment as P.G.Assistant (Physics) in the fifth respondent School, with effect from 01.08.2016 with all attendant benefits, including arrears of salary and allowances, without reference to the proceedings of the fourth respondent, dated 19.03.2021.

2. According to the petitioner, she was appointed as P.G.Assistant (Physics) in the fifth respondent School, on 01.08.2016. The fifth respondent School submitted a proposal, on 20.11.2020, to the fourth respondent seeking approval for appointment of the petitioner as P.G.Assistant (Physics). Thereafter, the fourth respondent returned the proposal citing certain reasons and after complying with the same, again the fifth respondent School resubmitted the proposal. However, since the said proposal has not been considered in time and kept pending by the fourth respondent, the petitioner has filed this writ petition.

3. Mr.Veera.Kathiravan, learned Additional Advocate General, assisted by Mr.S.Shanmugavel, learned Government Counsel, appearing for the respondents 1 to 4, would submit that if the fifth respondent School resubmits the proposal along with explanation for the defects pointed out by the fourth respondent vide proceedings dated 09.03.2021, the same will be considered in accordance with law.

4. In view of the above submission made by the learned Additional Advocate General, this Court, without going into the merits of the case, passes the following orders:

- (i) The fifth respondent School is directed to resubmit the proposal along explanation for the defects pointed out by the fourth respondent vide proceedings dated 09.03.2021, within a period of two weeks from the date of receipt of a copy of this order; and
- (ii) On receipt of the same, the fourth respondent shall consider the same on merits and in accordance with law, after providing due opportunity to the petitioner as well as the fifth respondent, within a period of twelve weeks thereafter.



5. With the above observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar(CS)

Krk

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 Secretary,
Department of School Education,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 4.The District Educational Officer,
District Educational Office,
Nagercoil, Kanyakumari District.
- 5.The Correspondent
Scott Christian Higher Secondary School
Nagercoil, Kanyakumari District

+1 CC to M/s.SPL.GP (SR-30052[F] dated 23/09/2021)

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MGJ(29.09.2021) 3P 7C