



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.3969 of 2018

WEB COPY

Mukkulathore Higher Secondary School,
Rep. by its Secretary,
Thiruverumbur,
Trichy-620 013.

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Director of School Education,
D.P.I.Campus,
College Road, Nungambakkam,
Chennai-600 006.

3.The Chief Educational Officer,
Trichy.

4.The District Educational Officer,
Trichy.

... Respondents

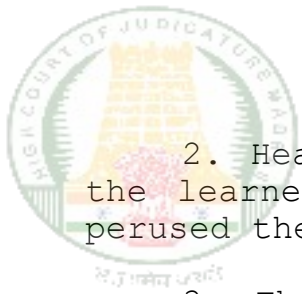
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4 to permit the petitioner School to fill up the post of Vocational Instructor (Grade I) in the vacancy caused due to the retirement of S.Nagarathinam.

For Petitioner : Mr.N.C.Ashok Kumar

For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

This petition is filed for a Writ of Mandamus, directing the respondents 3 and 4 to permit the petitioner's School to fill up the post of Vocational Instructor (Grade I) in the vacancy caused due to the retirement of Mr.S.Nagarathinam.



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

3. The petitioner's school is an aided non minority School. According to the petitioner, the authorities sanctioned apart from other teaching staffs, two Vocational Instructors for the said School. The petitioner has filled up the said posts. On 30.06.2011, one S.Nagarathinam retired from service on attaining the age of superannuation. According to the petitioner, they sent a proposal, dated 09.02.2018 to the fourth respondent for permission to fill up the post. As per the procedure, the proposal will be placed before the third respondent with endorsement and recommendation of the fourth respondent. The fourth respondent instead of sending the proposal with endorsement and recommendation, returned the same to the petitioner stating that to get orders from the Court.

4. From the typed set of papers, it is seen that the petitioner has not filed any acknowledgement card for having served the proposal on the fourth respondent and has not produced any material to show that it was returned by the fourth respondent.

5. Considering the contention of the learned counsel for the petitioner, the sanctioned post of Vocational Instructor is vacant due to the retirement of S.Nagarathinam on 30.06.2011, this Court directs the petitioner to send the proposal to the fourth respondent along with required documents, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such proposal, the respondents 3 & 4 are directed to consider the said proposal and pass orders on the same on merits and in accordance with law, within a period of eight weeks thereafter.

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

Sd/-

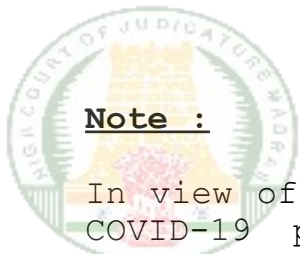
Assistant Registrar (W)

// True Copy //

/ /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 Principal Secretary,
School Education Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Director of School Education,
D.P.I.Campus,
College Road, Nungambakkam,
Chennai-600 006.
- 3.The Chief Educational Officer,
Trichy.
- 4.The District Educational Officer,
Trichy.

+1 CC to M/s.N.C.ASHOKKUMAR, Advocate (SR-19599[F] dated 18/06/2021)

+1 CC to M/s.SPL GP (SR-19657[F] dated 18/06/2021)

W.P. (MD)No.3969 of 2018

17.06.2021

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KK(28.06.2021) 3P 7C