



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.16419 of 2018

N.Shanthi ... Petitioner

vs.

1.State of Tamil Nadu

represented 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 Joint Director of School Education
(Vocational),
College Road,
Chennai 600 006.

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

5.The District Educational Officer,
Thuckalay,
Kanyakumari District.

6.The Secretary,
Dewasvom Higher Secondary School,
Mondaikadu,
Kanyakumari District 629 251

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to approve forthwith the appointment of the petitioner as Vocational Instructor (Accountancy and Auditing) in the 6th respondent School viz., Dewasvom Higher Secondary School, Mondaikadu with effect from the date of appointment that is on 16.09.2011 with all pay, continuity of her service and all attendant benefits.



For Petitioner : Mr.H.Elango
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

WEB COPY

O R D E R

The petitioner claims that she has been appointed as Full Time Vocational Trainee Teacher on temporary basis in the sixth respondent School which is the Mondaikadu Dewaswom Higher Secondary School under the control of the H.R. & C.E. Department.

2.Though her appointment was for the academic year (AY) 2011 - 2012 only, she continued even thereafter and claims to have been under employment at the time when the writ petition was filed. She states that the sixth respondent had submitted a proposal to the official respondents for approval of her appointment and for disbursement of grant in aid and that such proposal is being kept pending till date.

3.Her representations addressed to the authorities seeking the sanction of the proposal are also stated to be pending. The copy of the proposal stated to have been sent by the School is unavailable in the compilation accompanying the writ petition affidavit. However, the counter does not deny receipt of the same.

4.On merits the fifth respondent disputes her entitlement to the post stating that the post in which the petitioner was appointed was a non-sanctioned post.

5.Be that as it may, it would be appropriate, where the matter contains adjudication of disputed facts, to direct the fifth respondent ie., the District Educational Officer, to consider the proposal sent by the School and pass orders thereupon expeditiously, in accordance with law and all applicable Rules and Regulations, after hearing the School authorities. Let this exercise be concluded within a period of twelve weeks from today.

6.This Writ Petition is disposed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

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 Secretary,
State of Tamil Nadu,
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- 6.The Secretary,
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Mondaikadu,
Kanyakumari District 629 251

+1 CC to M/s.H.ELANGO, Advocate (SR-37381[F] dated 06/12/2021)

+1 CC to M/s.SPL GP (SR-37400[F] dated 06/12/2021)

ORDER MADE IN
W.P. (MD) .No.16419 of 2018
03.12.2021

sk(CO)
TR(01.02.2022) 3P 9C