



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.[MD]No.25854 of 2019

P.Kovilpillai

... Petitioner

Vs.

1.The Director of School Education,
Chennai - 6.

2.The Joint Director (Higher Secondary),
Chennai.

3.The Chief Educational Officer,
Madurai.

4.The District Educational Officer,
Melur, Madurai District.

5.The Correspondent,
American College Higher Secondary School,
Tallakulam, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to pass order on the letter submitted by the fourth respondent dated 31.01.2018 and 20.12.2018 so as to enable the petitioner to get ASTPF number and salary from 08.03.2018 onwards with all consequential benefits.

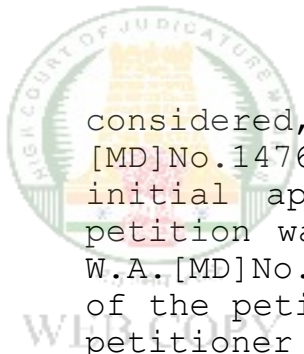
For Petitioner : Mr.V.Panneer Selvam
For Respondents 1 to 4 : Mr.N.Shanmugaselvam,
Additional Government Pleader

O R D E R

The present writ petition has been filed for a Writ of Mandamus, directing the respondent to pass order on the letter submitted by the fourth respondent dated 31.01.2018 and 20.12.2018 so as to enable the petitioner to get ASTPF number and salary from 08.03.2018 onwards with all consequential benefits.

2.Heard Mr.V.Panner Selvam, learned Counsel appearing for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents 1 to 4.

3.The petitioner herein was initially appointed as Record Clerk on 03.04.2002 in S.C.M.S. Girls Higher Secondary School, Satchiapuram, Virudhunagar District. When the proposal by the School authorities seeking for approval of his appointment was not



considered, the petitioner herein had filed a writ petition in W.P. [MD]No.1476 of 2008, seeking for approval from the date of his initial appointment and by an order dated 04.08.2009, the writ petition was allowed. The department appealed against the same in W.A.[MD]No.306 of 2011 and the same was dismissed. It is the case of the petitioner that the appointment of similar employees like the petitioner were also approved by the respondents from the date of initial appointment. After a few proceedings, the petitioner's appointment was approved with effect from 03.04.2002.

4.The learned Additional Government Pleader would submit that such an appointment is subject to the decision to be taken in the present writ petition. According to him, the proceedings of the Director evidences that the appointment would be as per eligibility. The petitioner's appointment is eligible to be approved from 2002 and there are no surplus teachers.

5.When this Court in its earlier order passed in W.P.[MD] No.1476 of 2008 had directed the respondents to approve the petitioner's appointment as Record Clerk from the date of his initial appointment which also has been confirmed in W.A.[MD]No.306 of 2011, the third respondent may not have any other option but to approve the petitioner's appointment from the date of his initial appointment. It is not in dispute that similar teachers' appointments have also been approved. All that the present approval order states is that the approval granted with effect from 03.04.2002 is subject to the decision of this writ petition. It is made clear that in view of the earlier orders of this Court, the petitioner's appointment is required to be approved with effect from 03.04.2002, which is his initial date of appointment.

6.It would be relevant to point out herein that the approval of the appointment which was originally granted on 28.12.2010, by the District Educational Officer, Virudhunagar, with effect from 07.02.2006 ie., from the date of lifting of ban which was in prevalence at that point of time, was again approved on 13.11.2015 with effect from 03.04.2002, notionally with monetary benefits, with effect from 07.02.2006 and finally on 29.05.2019 with effect from 03.04.2002. The petitioner was thereafter transferred to Pasumalai Higher Secondary School on 21.04.2011; thereafter to CSI Girls Higher Secondary School on 21.07.2015 and to the fifth respondent school on 08.03.2018.

7.As stated earlier the petitioner's appointment has already been approved from 03.04.2002 onwards and the petitioner has received the monetary benefits till 07.03.2017. The petitioner's transfer to the fifth respondent school therefore requires to be approved and consequently the monetary benefits to the post also is to be approved.

<https://hcservices.courts.gov.in/hcservices/> 8. In this background, there shall be a direction to the third



respondent herein to pass appropriate fresh order approving the petitioner's transfer to the fifth respondent school which was made on 08.03.2017, within a period of **six [6] weeks** from the date of receipt of this order. In view of the approval that is to be granted, the petitioner would be entitled for the ASTPF number.

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9. With the above direction, this Writ Petition stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// 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 Director of School Education,
Chennai - 6.

2.The Joint Director (Higher Secondary),
Chennai.

3.The Chief Educational Officer,
Madurai.

4.The District Educational Officer,
Melur, Madurai District.

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-11284[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11497[F] dated 16/03/2021)

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VR(CO)

KB(07.04.2021) 3P 7C