



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.21774 of 2017

and

W.M.P (MD)No.18067 of 2017

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S.Antony Rajitha

... Petitioner

Vs.

1.District Elementary Educational Officer,
O/o.District Elementary Educational Officer,
Radhapuram Education District,
Tirunelveli,
Tirunelveli District.

2.Additional Assistant Elementary Educational Officer,
O/o.The Assistant Elementary Educational Officer,
Radhapuram,
Tirunelveli District.

3.Correspondent,
St.Aloysius Middle School,
Soundarapandiapuram,
Tirunelveli District-627 113.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned order, returning the proposal made in his proceedings in Na.Ka.No.N 317/A2/2017 dated 26.05.2017 (signed on 09.06.2017) and quash the same as arbitrary and ultravires and consequently direct the 2nd respondent to resend the proposal dated 02.05.2017 made by the 3rd respondent to the 1st respondent who in turn directed to pass orders on it, approving the petitioner's appointment in the post of B.T Assistant (Science) from the date of her initial appointment within the time limit that may be stipulated by this Court.

For Petitioner	: M/s.A.Ajith Geethan
For R1 and R2	: Mr.M.Lingadurai Government Advocate
For R3	: No appearance

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order of the second respondent in Na.Ka.No.N 317/A2/2017, dated 26.05.2017 and to direct

<https://hcservices.ecourts.gov.in/hcservices/>



the second respondent to re-send the proposal dated 02.05.2017 made by the third respondent to the first respondent, who in turn, may be directed to pass orders on it, approving the petitioner's appointment in the post of B.T Assistant (Science) from the date of her initial appointment.

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2.It is stated by the petitioner that she was appointed as B.T Assistant(Science) in the third respondent school in the vacancy caused due to the promotion of then incumbent viz., Mrs.N.Parimaladevi. When the proposal for approval of the petitioner's appointment was submitted, the said proposal was returned on the ground that the students strength in the school was reduced to 24. Challenging the return of proposal, the above writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that there are subsequent developments. Though it is admitted by the petitioner that one more post was surrendered and that the petitioner's appointment may not be considered from the date of appointment, the learned counsel appearing for the petitioner submitted that the headmaster of the school has retired and that one of the teachers has now been promoted to the said post. It is further submitted that the petitioner's candidature may be considered for the post, which is now vacant. The petitioner has not produced before this Court any order of appointment by the third respondent. If the third respondent is prepared to consider the candidature of the petitioner in the existing vacancy, it is open to the respondents to consider the petitioner's appointment and grant approval.

4.Accordingly, this Writ Petition is closed. However, with liberty to the petitioner to give further representation to the respondents and on receipt of such representation, the third respondent may favourably consider the candidature of the petitioner for the post which is now vacant due to the promotion of a teacher to the post of Headmaster. If the proposal is submitted by the third respondent for approval of the appointment of the petitioner in the vacant post, the same shall be considered on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of the proposal submitted by the third respondent. No costs. Consequently, connected miscellaneous petition is closed.

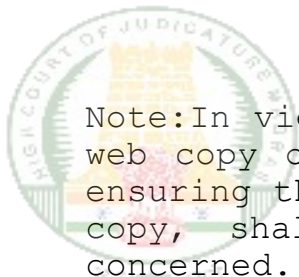
Sd/-

Assistant Registrar (CS II)

// 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.

WEB COPY

To

1. The District Elementary Educational Officer,
O/o. District Elementary Educational Officer,
Radhapuram Education District,
Tirunelveli,
Tirunelveli District.
2. The Additional Assistant Elementary Educational Officer,
O/o. The Assistant Elementary Educational Officer,
Radhapuram,
Tirunelveli District.

W.P. (MD) .No.21774 of 2017

and

W.M.P (MD) No.18067 of 2017

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