



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.7520 of 2022

V.Muthappa Chettiar Dharma
Vidyalaya Higher Secondary School,
Rep. by its Secretary,
V.P.M.Manickam,
Thayampalayam Post,
Tiruppur District - 638 703.

...Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner,
School Education Department,
DPI Campus, College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Tiruppur District,
Tiruppur.

4.The District Educational Officer,
Dharapuram Education District,
Dharapuram,
Tiruppur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to sanction permission for the appointment of a teacher to the post of B.T.Assistant (English) in the petitioner school based upon the application for the petitioner school dated 05.11.2020 as recommended by the 4th respondent on 06.11.2020 within the time frame as fixed by this Court.



For Petitioner : Mr.R.Karthikeyan
For Respondents : Mr.V.Manoharan
Additional Government Pleader

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O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for issuance of a Writ of Mandamus, to direct the 3rd respondent to sanction permission for the appointment of a teacher to the post of B.T.Assistant (English) in the petitioner school based upon the application for the petitioner school dated 05.11.2020 as recommended by the 4th respondent on 06.11.2020 within the time frame as fixed by this Court.

3. The case of the petitioner in brief:

The petitioner school is a Government Aided Higher Secondary School and the school originally did not have sanctioned post of B.T.Assistant (English) and only the teachers working as P.G.Assistant (English) were also taking classes for English Subject. Further, there were two sanctioned posts of B.T. Assistants (Science) of which one post fell vacant on 13.03.2019 and the school had sought for permission from the then Director of School Education to change the category of the post from B.T.Assistant (Science) to B.T Assistant (English) which was granted by his proceedings in Na.Ka.No.030173/D1/E2/2020 dated 09.10.2020. Pursuant to the aforesaid order, the petitioner school committee had passed a resolution and sought for permission for appointment of a teacher under the B.T.Assistant (English) post to the 4th respondent who by his proceedings dated 06.11.2020 recommended the same for the permission for the appointment of teacher to the post of B.T. Assistant. The said proposals was forwarded to the 3rd respondent for permitting the appointment. But, the same has not been considered by the 3rd respondent till date. Hence, the petitioner school filed this writ petition before this Court.

4. Mr.V.Manoharan, learned Additional Government Pleader takes notice for the respondents and he would submit that the representation of the petitioner will be considered by the authorities concerned and appropriate orders will be passed, in accordance with law.



5. In view of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this Court is inclined to direct the 3rd respondent to consider the application of the petitioner dated 05.11.2020 and pass orders on its own merits, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ata/uma
To

1. The Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner,
School Education Department,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Tiruppur District,
Tiruppur.
4. The District Educational Officer,
Dharapuram Education District,
Dharapuram,
Tiruppur District.

+1 CC to Mr. R. Karthikeyan, advocate sr 21846
+1 CC to The Government Pleader sr 22220.

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PMK (CO)
SP(18/04/2022)