

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

W.P.No.11992 of 2022

and

WMP.No.11411 of 2022

M.Mahimairaj

...Petitioner

-Vs-

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
Cuddalore District,
Cuddalore.
- 3.The District Educational Officer,
Cuddalore District,
Cuddalore.
- 4.The Secretary,
Arch Diocese of Board of Education,
Arch Diocese of Pondicherry and Cuddalore,
Arch Bishop's House,
206, Cathedral Street, Pondicherry 605 001.
- 5.The Principal and Correspondent,
St. Joseph's Higher Secondary School,
Manjakuppam, Cuddalore-607 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th Respondent to select and appoint the petitioner as regular aided post of PG Assistant (Maths) in the 5th respondent school who is in the seniority list having appointed originally on 01.07.2007 in terms of the recommendation dated 09.03.2017 forwarded by the 5th Respondent to the 4th Respondent with all attendant benefits.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.V.Manohar
Additional Government Pleader
for R1 to R3

ORDER

The prayer made in this writ petition is to issue a Mandamus directing the 4th Respondent to select and appoint the petitioner as regular aided post of PG Assistant (Maths) in the 5th respondent school, who is in the seniority list having appointed originally on 01.07.2007 in terms of the recommendation dated 09.03.2017 forwarded by the 5th Respondent to the 4th Respondent with all attendant benefits.

2.It is the case of the petitioner that he was appointed as Warden (Boarding) in the 5th respondent school during the month of May 2007. Since a vacancy to the post of BT Assistant (Maths) under management quota arose due to the appointment of one I.Thangaruban in the Government aided post, the petitioner was appointed in the said resultant vacancy as BT Assistant (Maths) on 01.07.2007 by the respondents 4 and 5, pursuant to which, his name was included in the seniority list maintained by the Education Board, as if he is working as Management staff with effect from 01.07.2007. While so, few vacancies to the post of BT Assistant arose in the year 2018, however, the name of the petitioner was not considered for appointment to the said post, though he is the next person to be considered as per the seniority maintained by the Education Board and one S.Amuldass and A.Vanathaiyan, were appointed as BT Assistant (Maths), whose names were not even included in the seniority list. Hence, the petitioner challenged the said appointments by filing writ petitions in WP.Nos.33485 and 33486 of 2018 and the same are pending. In the mean time, the petitioner was served with seniority list for the subject Mathematics by the 4th respondent, wherein, his name was placed at serial No.29, as if he was appointed on 04.06.2008, whereas in the communication dated 09.03.2017 sent by the fifth respondent to the fourth respondent, his name was placed at Sl.No.20. Feeling aggrieved, the petitioner made several representations dated 29.04.2019, 11.06.2019 and 13.06.2019 to the respondents 4 and 5. Despite the same, one R.T.Antonie Amirtharaj was selected for appointment on a regular aided post as PG Assistant (Maths). Therefore, the petitioner submitted representations dated 24.08.2020 and 27.08.2020 to the fourth respondent, requesting to appoint him in the regular aided post of PG Assistant (Maths) in the forthcoming vacancy. Finding no response on the same, he has preferred this writ petition with the aforesaid prayer.

3. The learned counsel for the petitioner reiterated the averments made in the writ petition and ultimately submitted that the petitioner would be satisfied, if a direction is issued to the fourth respondent to consider the representations of the petitioner dated 24.08.2020 and 27.08.2020 and pass orders, in the light of the recommendation made by the fifth respondent dated 09.03.2017.

4. There is no serious objection on the side of the respondents in granting such relief to the petitioner.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the fourth respondent to consider the representations submitted by the petitioner and pass appropriate orders, on merits and in accordance with law and also in the light of the communication dated 09.03.2017 of the fifth respondent, within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

kmi/msr

To

- 1.The Director of School Education,
DPI Campus, College Road, Chennai-600 006.
- 2.The Chief Educational Officer,
Cuddalore District, Cuddalore.
- 3.The District Educational Officer,
Cuddalore District, Cuddalore.
- 4.The Secretary,
Arch Diocese of Board of Education,
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Arch Bishop's House,
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- 5.The Principal and Correspondent,
St. Joseph's Higher Secondary School,
Manjakuppam, Cuddalore-607 001.

+lcc to Mr.G.Ethirajulu, Advocate SR. No. 31228
+lcc to Government Pleader SR. No. 31291

W.P.No.11992 of 2022
and
WMP.No.11411 of 2022

GSM (CO)
PR (02/06/2022)