



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14513 OF 2022

R.Logeshwaran

...Petitioner

Vs.

1.The Commissioner of School Education
DPI Campus, College Road
Chennai-600 006.

2.The Chief Educational Officer
Presidency Girls Higher Secondary
School Campus. Egmore,
Chennai-600 008.

3.The District Educational Officer
Chennai (North)
Villivakkam, Chennai-600 049.

4.The Correspondent
Sri Champalal Pagariya Jain Hr. Sec. School
304/200, Paper Mills Road
Perambur, Chennai-600 011.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of petitioner in the regular sanctioned post of Office Assistant in the 4th respondent school from the date of appointment on 21.10.2021, based on the proposal forwarded by the 4th respondent school dated 21.10.2021, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.T.Chezhiyan for R1 to R3
Additional Government Pleader

ORDER

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



2. According to the writ petitioner, the 4th respondent school is a Government Aided school and there was a vacancy to the post of Office Assistant arose due to retirement of incumbent Mr.J.Raveendran on 31.01.2021, in which the petitioner was appointed as Office Assistant vide appointment order dated 21.10.2021. The 4th respondent school has forwarded a proposal to the 2nd respondent through the 3rd respondent on 21.10.2021 seeking approval of appointment of petitioner in the aforesaid post and the same is kept pending without passing orders. The petitioner was appointed in the regular sanctioned post and the same was sanctioned as per the staff fixation order issued by the 2nd respondent dated 02.12.2019. Due to non-payment of salary, the petitioner has been subjected to serious hardships and sufferings without payment of salary from the date of appointment. In this regard, this Court passed an order in W.A.No.1022 of 2020 dated 07.01.2021 with a direction to grant approval of appointment made in the sanctioned Non-teaching post. Hence, the petitioner has filed the present writ petition before this Court.

3. Mr.T.Chezhiyan, Additional Government Pleader takes notice for the respondents 1 to 3 and he would submit the said proposal will be considered and pass appropriate orders on merits and in accordance with law.

4. In view of the aforesaid submissions and also considering the limited scope of the prayer, without expressing any opinion on merits, in the interest of justice, this Court is inclined to direct the 3rd respondent to consider the proposal sent by the 4th respondent dated 21.10.2021 and pass appropriate orders on its own merits and in accordance with law, as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

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+1cc to M/s.G.Sankaran, Advocate Sr.No.34790

+1cc to the Government Pleader Sr.No.35558

W.P.No.14513 of 2022

RSV(CO)
RVM(28/06/2022)