



WEB COPY



W.P.No.17621 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.17621 of 2022
and WMP.No.16894 of 2022

M.Arun Christmas Rajan
B.T.Assistant (History)
Danish Mission Higher Secondary School
Thiruvannamalai.

.. Petitioner

Vs.

1.The Director of School Education
D.P.I. Buildings, College Road
Chennai - 6.

2.The Chief Educational Officer
Thiruvannamalai District
Thiruvannamalai.

3.The District Educational Officer
Thiruvannamalai District
Thiruvannamalai.

4.The Correspondent
Danish Mission Higher Secondary School
Thiruvannamalai.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the entire



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records connected with the impugned order passed by the third respondent in Na.Ka.No.7756/E1/2021, dated 09.11.2021 and quash the same and consequently direct the respondents to approve the appointment of the petitioner as B.T. Assistant (History) w.e.f. 01.03.2016 in the fourth respondent school with all consequential and monetary benefits.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.D.Ravichander
Special Government Pleader [R1 to R3]

ORDER

This writ petition has been filed challenging the order dated 09.11.2021, under which the proposal sent by the fourth respondent school for appointing the petitioner as B.T. Assistant (History) with effect from 01.03.2016, has been rejected.

2. The petitioner has raised several grounds in this writ petition, challenging the impugned rejection order. However, as seen from the impugned order, the only reason given by the third respondent for rejecting the proposal seeking for approval of the petitioner as B.T. Assistant is that neither the petitioner nor the fourth respondent has produced proof with regard to the voluntary retirement of



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Mr.A.Asirvatham as the petitioner has been appointed as B.T.Assistant in the fourth respondent school only in the place of Mr.A.Asirvatham.

3. The learned counsel for the petitioner would now submit on instructions that the petitioner is having all details pertaining to the approval granted by the authorities for having accepted the voluntary retirement submitted by Mr.A.Asirvatham.

4. Heard Mr..S.N.Ravichandran, learned counsel for the petitioner and Mr.D.Ravichandran, learned Special Government Pleader for the respondents.

5. Since the petitioner claims that he is having all documentary evidence with regard to the voluntary retirement of Mr.A.Asirvatham, this Court is of the considered view that the impugned order has to be necessarily quashed and the matter has to be remanded back to the third respondent for fresh consideration on merits and in accordance with law, subject to the condition that the petitioner or the fourth respondent school produces before the official respondents the documentary evidence to substantiate their claim that Mr.A.Asirvatham had voluntarily retired



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from service and the same was approved by the competent educational authority concerned.

6. No prejudice would be caused to any of the parties, if the impugned order is quashed and the matter is considered afresh by the official respondents.

7. Accordingly, the impugned order dated 09.11.2021 is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law. The petitioner or the fourth respondent will have to submit documentary evidence before the third respondent with regard to the voluntary retirement of Mr.A.Asirvatham, in whose place the petitioner was appointed as B.T.Assistant by the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said documentary evidence, the third respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the documents produced by the petitioner or the fourth respondent within a period of four weeks thereafter.



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8. With the aforesaid directions, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / no

Speaking Order/Non-speaking Orders

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ABDUL QUDDHOSE.J.,

ds

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