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W.P.No.32259 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.32259 of 2022

S.Tamilarasan

... Petitioner

Vs

1.The Joint Director of School Education (Secondary Education),
DPI Compound, Chennai - 600 006.

2.The Chief Educational Officer,
Salem District, Salem.

3.The District Educational Officer,
Salem District, Salem.

4.The Secretary,
Gugai Higher Secondary School,
Gugai, Salem District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to approve the petitioner's appointment for the post of Night Watchman with effect from 31.01.2022 and to disburse all service and monetary benefits in view of the petitioner's representation dated 31.01.2022 within a limited time frame.



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For Petitioner ... Mr.A.Esakkiappan
For Respondents 1 to 3 ... Mr.S.Yashwanth,
Additional Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the second respondent to approve the appointment of the petitioner to the post of Night Watchman with effect from 31.01.2022 based on the fourth respondent's proposals dated 31.01.2022 & 14.11.2022 within a time frame to be fixed by this Court.

2. Mr.S.Yashwanth, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3. Since no adverse orders are going to be passed against the fourth respondent, notice to the fourth respondent is dispensed with by this Court. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The petitioner is working as a Night Watchman in the fourth respondent school. Proposals have also been sent by the fourth respondent



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School on 31.01.2022 & 14.11.2022 to the third respondent seeking for approval of the appointment of the petitioner as Night Watchman. Since no final orders have been passed, pursuant to the proposals sent by the fourth respondent, the petitioner has filed this writ petition.

4. Heard Mr.A.Esakkiappan, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader appearing for the respondents 1 to 3.

5. No prejudice would be caused to the respondents, if the proposals submitted by the fourth respondent School on 31.01.2022 & 14.11.2022 are considered on merits and in accordance with law by the second and third respondents within a time frame to be fixed by this Court.

6. The petitioner also relies upon the order dated 02.09.2022 passed by the Madurai Bench of this Court in W.P.No.7051 of 2022 batch cases to substantiate his case.



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7. For the foregoing reasons, this Court directs the respondents 2 & 3 to pass final orders on merits and in accordance with law on the fourth respondent's proposals dated 31.01.2022 & 14.11.2022 seeking for approval of the appointment of the petitioner as Night Watchman in the fourth respondent school with effect from 31.01.2022 within a period of twelve weeks from the date of receipt of a copy of this Order. While considering the fourth respondent's proposals, the respondents 2 and 3 are directed to consider the order passed by this Court in a batch of writ petitions in W.P.(MD).No.7051 of 2022 on 02.09.2022.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

01.12.2022

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Index: Yes/ No
Speaking Order/Non-speaking Order



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To

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ABDUL QUDDHOSE, J.

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