



WEB COPY



W.P.No.16478 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.16478 of 2021

and

WMP No.17446 of 2021

Mr.D.Agasthi, (M/40)
S/o.Devaseyal,
No.1/130, Poonimangadu Village and Post,
Tirutani Taluk,
Thiruvallur District- 631 212

... Petitioner

/Vs/

1. The Chief Educational Officer,
Ranipettai District,
2. The District Educational Officer,
Vellore.
3. The Chief Educational Officer,
Vellore.
4. Goodlet Higher Secondary School,
Rep. by its Correspondent,
Sholinghur, Vellore District – 631 102

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus to call for records relating to the



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1st respondent's proceedings made in Na.Ka.No.850/A1/2020 dated 22.02.2020

to quash the same and for a consequential direction to the respondents to approve the appointment of the petitioner in the post of B.T.Assistant (Science) with all service benefits arising thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mrs.P.Rajarajeswari (for R1 to R3)
Government Advocate

Mr.M.Ramalingam (for R4)

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to the 1st respondent's proceedings made in Na.Ka.No.850/A1/2020 dated 22.02.2020 to quash the same and for a consequential direction to the respondents to approve the appointment of the petitioner in the post of B.T.Assistant (Science) with all service benefits arising thereto.

2.The Petitioner claims that he has been appointed as BT assistant by the fourth Respondent school on 22.09.2017. When the said appointment proposal was sent to the Government, it has been rejected by the first Respondent, stating that on the date of the appointment there was no vacancy in the cadre of



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BT Assistant and the said proceedings is now under challenge.

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3.Heard Mr.L.Chandrakumar, learned counsel for the Petitioner, Mrs.P.Rajarajeswari, learned Government Advocate appearing for Respondents 1 to 3 and learned counsel for the third Respondent.

3.Admittedly, in the academic year 2016-17 and 2017-18 there were only 9 BT Assistant and according to the Respondents all the 9 BT Assistant posts were filled up and there was no vacancy. Even in the appointment order of the Petitioner, it was not stated in whose vacancy the Petitioner is appointed. When the vacancy itself is not there, it is difficult to expect the Government to accord sanction and hence the Petitioner is not entitled to the relief sought for.

4.Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To

1. The Chief Educational Officer,
Ranipettai District,
2. The District Educational Officer,
Vellore.
3. The Chief Educational Officer,
Vellore.
4. The Correspondent,
Goodlet Higher Secondary School,
Sholinghur, Vellore District – 631 102

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