



WEB COPY



W.P.No.21944 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.21944 of 2021

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... Petitioner

Vs.

- 1.The Director of School Education,
D.P.I. Buildings, College Road,
Chennai – 6.
- 2.The Chief Educational Officer,
Vellore, Vellore District.
- 3.The District Educational Officer,
Vellore, Vellore District.
- 4.The District Educational Officer,
Vellore, Vellore District.
- 5.The Administrator,
Concordia Higher Secondary School,
Vaniyambadi – 635 751,
Vellore District.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to approve the



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appointment of the petitioner as B.T.Assistant (Maths) in the 5th respondent School, w.e.f. 07.08.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.08.2017.

For Petitioner : Mr.S.N.Ravichandran
For Respondents : Mr.R.U.Dinesh Rajkumar
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 as B.T.Assistant (Mathematics) in the fifth respondent School, with effect from 07.08.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the fifth respondent dated 07.08.2017.

2.The petitioner claims that he was appointed as B.T.Assistant (Mathematics) in the fifth respondent School on 07.08.2017. According to the petitioner, a proposal was also sent by the fifth respondent School to the second respondent seeking approval for appointment of the petitioner as B.T.Assistant (Mathematics) in the fifth respondent School with effect from 07.08.2017. Since



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the proposal is still pending and has not been considered, the petitioner has filed this writ petition.

3. A counter affidavit has been filed by the respondents stating that the appointment has been made by the fifth respondent without getting prior approval of the second respondent and therefore, the request for approval of appointment cannot be granted.

4. Heard Mr.S.N.Ravichandran, learned counsel for the petitioner and Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader appearing for the respondents.

5. Learned counsel for the petitioner would submit that being a minority Institution, the question of obtaining approval from the second respondent, before making any appointment by the fifth respondent School does not arise.

6. No prejudice would be caused to the respondents, if the fifth respondent's proposal dated 07.08.2017 seeking for approval for appointment of



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the petitioner as B.T.Assistant (Mathematics) in the fifth respondent School with effect from 07.08.2017 is considered, on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the second respondent to pass final orders, on merits and in accordance with law on the fifth respondent's proposal dated 07.08.2017, seeking approval for appointment of the petitioner as B.T.Assistant (Mathematics) in the fifth respondent School with effect from 07.08.2017 with all consequential monetary benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

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

10.01.2023
(2/2)

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

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ABDUL QUDDHOSE. J.,

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**10.01.2023
(2/2)**