



WEB COPY



W.P.No.26533 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.26533 of 2023

and

W.M.P.Nos.25942 & 25945 of 2023

J.Diwan Isaac

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The District Educational Officer (Elementary),
Salem,
Salem District.

3.The Block Education Officer,
Yercaud,
Salem District.

4.The Correspondent,
T.E.L.C. Elementary School,
Yercaud,
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to order issued by 2nd respondent in proceeding OM. Mu. No 3213/ A2 / 2018 dated 08.11.2018 and 3rd Respondent proceedings in OM



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Mu.No 1132 / A1 / 2022 dated 09.03.2023 and to quash the same and consequently directing the Respondent to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the 4th respondent school, from the date of appointment of 16.11.2016, with all consequential and attendant benefits including the payment of salary from the date of appointment along with interest with a time frame to be fixed by this Court.

For Petitioner : M/s.T.Dharani

For R1 to R3 : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the orders of the 2nd and 3rd respondents, dated 08.11.2018 and 09.03.2023, respectively, rejecting the proposal for approval of appointment of the petitioner to the post of Secondary Grade Assistant in the 4th respondent School.

2.It is the case of the petitioner that he was appointed as Secondary Grade Assistant in the 4th respondent School on 16.11.2016 in the retirement vacancy of one Mrs.Sasi Kala Lilly. Subsequently, the Management of the School sent a proposal to the authorities for grant of approval of appointment of the petitioner to the post of Secondary Grade



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Assistant. However, the 2nd and 3rd respondents, vide the impugned orders, returned the proposal, citing certain defects and also citing the pendency of Special Leave Petition in S.L.P.(C) No.15702 of 2021 before the Hon'ble Supreme Court against W.A.No.76 of 2019, etc., batch, dated 31.03.2021. Challenging the same, the present writ petition has been filed.

3.It is the contention of the learned counsel for the petitioner that the appointments of similarly placed persons have been approved and therefore, the petitioner's appointment also has to be approved. Further, it is the contention of the learned counsel that, since the petitioner was appointed and the proposal has been sent before issuance of G.O.Ms.No.165, dated 17.09.2019, the petitioner's case has to be considered.

4.Mr.P.Baladhandayutham, learned Special Government Pleader, who takes notice for the respondents 1 to 3, fairly submitted that, though the earlier proposal was rejected by the respondents, in view of the latest development, if a fresh proposal is sent by the Management, the same will be considered on merits.



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5. In view of the submission made by the learned Special Government Pleader, the 4th respondent/Management of the School is directed to send a fresh proposal to the authorities and on receipt of such proposal from the Management, the respondents 1 to 3 shall consider the same on its own merits and taking note of the position of law in this regard, particularly with regard to persons who were appointed prior to the issuance of G.O.Ms.No.165, dated 17.09.2019, and pass appropriate orders, within a period of two months, thereafter.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

12.09.2023

mkn

Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

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DPI Campus, College Road,
Chennai – 600 006.



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N. SATHISH KUMAR, J.
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