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W.P.No.33927 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 33927 of 2019

and

WMP.Nos.34498 & 34499 of 2019

T.R.Gerald Arockiaraj

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Petitioner

Vs

1. The Chief Educational Officer,
Thiruvallur,
Thiruvallur District.

2. The District Educational Officer,
Thiruvallur,
Thiruvallur District.

3. The Correspondent,
Don Bosco Higher Secondary School,
Pannur,
Thiruvallur Taluk and District.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his proceedings Na.Ka.No.11624/A5/2019 dated 04.10.2019, quash the same and directing the 1st respondent to pass order in the resubmitted proposal submitted by the 3rd respondent on 02.03.2018 for approval of



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the appointment of the petitioner as Computer Teacher with effect from 01.08.2013 and give all other monetary benefits.

For Petitioner	: Mr.P.Ganesan
For R1 & R2	: Mr.M.S.Premkumar Government Advocate
For R3	: No appearance

ORDER

The petitioner has approached this Court seeking issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent and quash the impugned order dated 04.10.2019 and subsequently to direct the first respondent to pass orders on the re-submitted proposal dated 02.03.2018 made by the third respondent seeking approval of the petitioner's appointment as Computer Teacher with effect from 01.08.2013, together with all monetary benefits.

2. The petitioner completed his B.Sc (Computer Science) in April 2008, through regular pattern from the Madras University. Subsequently, he completed B.Ed., in the year 2013 and got himself registered with employment exchange. The petitioner applied to the third respondent, who had notified vacancies/appointments to the post of



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Computer Teacher. The petitioner was interviewed by the third respondent Management and he was selected and also appointed as Computer Teacher on 01.08.2013, the said post having become vacant consequent to the retirement of the earlier teacher holding that post.

3. The first respondent has upgraded the part time Computer Teacher post on 19.02.1998. Even the petitioner's predecessor was brought into the regular time scale of pay with effect from 05.10.1996. The petitioner was appointed only to the resultant vacancy on 01.08.2013. The third respondent sent the proposal to the second respondent for approval of the petitioner's appointment. However, the second respondent returned the same on 21.08.2015 on the ground that there was no post of Computer Teacher in the third respondent School. The third respondent resubmitted the proposal explaining the fact that the post of Computer Teacher was sanctioned by the first respondent even in the year 1998 and therefore, the petitioner's post is a regular post. However, the first respondent rejected the request for seeking approval of the petitioner's appointment on 04.10.2019, aggrieved by which, the petitioner has approached this Court by way of this writ petition.



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4. The second respondent has filed a counter and stated that the Computer Teacher proposal was abolished, therefore, no direct recruitment should be made. He would also state that the Management is not having an automatic right of appointment and get the same approved by the respondents and the Management of the School would be bound to follow the directions and instructions issued by the Government from time to time.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2 and perused the materials available on record.

6. The learned counsel for the first respondent would state that even though the second respondent filed a counter stating that the sanctioned post was abolished, the same does not reflect the correct position that the post has been sanctioned and the representation to such effect made by the writ petitioner in the affidavit is also factually correct. Accordingly, the said contention of the learned counsel for the first



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respondent is recorded that the petitioner is entitled to relief sought in this writ petition.

7. Accordingly, this Writ Petition is allowed and the impugned order dated 04.10.2019 is set aside and the first respondent is directed to pass orders on the resubmitted proposal of the third respondent dated 02.03.2018, approving the petitioner to the sanctioned post of the Computer Teacher with effect from 01.08.2013, together with all monetary benefits, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

30.06.2023

Index: Yes/ No
Internet : Yes/No

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