



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.10686 of 2023

and

WMP(MD)No.9506 of 2023

A.Ambalavanan

... Petitioner

Vs.

1.The Chief Educational Officer,
Kanyakumari District.

2.The District Educational Officer,
Nagercoil, Kanyakumari District.

3.D.V.D.Higher Secondary & Training School,
Rep.by its Secretary, Kottar, Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 1st respondent herein in Na.Ka.No.1254/A4/2022 dated 02.02.2023, quash the same and further direct the respondents 1 and 2 herein to approve forthwith the appointment of petitioner as Junior Assistant in the 3rd respondent school from 01.06.2017 onwards with salary and other attendant benefits.



Petitioner : Mr.EVN.Siva
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 and R2

ORDER

Heard both sides.

2.The petitioner was appointed as Junior Assistant in the third respondent school on 01.06.2017. Proposal for approving the said appointment was immediately submitted to the department. Since it was not considered, the petitioner filed a writ petition before this Court seeking consideration of the proposal. Pursuant to the said direction, the impugned rejection order came to be passed. The rejection order refers to G.O (Ms) No.238 dated 13.11.2018 for negating the proposal. This reason is unsustainable. The petitioner was appointed on 01.06.2017 ie., well before the issuance of the said G.O. It is also stated that the post of Junior Assistant was rendered surplus. But then, that was with reference to the students' strength of the year 2021-22.



3.The impugned order is set aside. The respondents 1 and 2 are directed to approve the petitioner's appointment forthwith and without any delay and salary grant shall also be disbursed within a period of six weeks from the date of receipt of copy of this order. This writ petition is allowed. No costs. Connected miscellaneous petition is closed.

30.06.2023

SKM

To

The Revenue Divisional Officer,
Uthamapalayam, Theni District



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G.R.SWAMINATHAN, J.

SKM

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