



W.P.(MD).No.16717 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16717 of 2023

J.Maria Arockia Godwin

... Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Tirunelveli District.

2.The District Educational Officer (Secondary),
Office of the District Educational Officer,
Tirunelveli District.

3.The Holy Redeemer's Hr. Sec. School,
Represented by the Correspondent,
Thisayanvilai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to approve the appointment to the promotion post of B.T. Assistant (Maths) with effect from 14.08.2019 instead of 30.08.2022 based on the proposal submitted by the third respondent School, dated 09.01.2023.

For Petitioner : M/s.A.Victoria
for Mr.I.Pinaygash



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For R-1 & R-2 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the first respondent to approve the appointment to the promotion post of B.T. Assistant (Maths) with effect from 14.08.2019 instead of 30.08.2022 based on the proposal submitted by the third respondent School, dated 09.01.2023.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned Counsel for the petitioner and the learned Government Advocate for the respondents and carefully perused the materials available on record.

4. Considering the nature of this writ petition, notice to the third respondent is dispensed with.

5. The petitioner joined the third respondent School on 24.11.2011 in the post of Physical Education Teacher. On 14.08.2019, the petitioner obtained



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promotion to the post of B.T. Assistant (Maths) by the third respondent School in the sanctioned post for the vacancy which arose by the promotion of the Secondary Grade Assistant Teacher, one N.Felix Johnson. However, the petitioner's promotion post of B.T. Assistant (Maths) was not approved immediately by the respondents 1 and 2.

6. Despite the same, the petitioner continued his teaching service in the third respondent School for the past more than 11 years. In view of the continuous proposals sent by the third respondent School, finally on 30.08.2022, the petitioner's promotion for the post of B.T. Assistant (Maths) was duly approved by the first respondent by the proceedings in Moo.Mu.No. 95/A3/2022, dated 30.08.2022. Even though the petitioner's appointment was approved by the first respondent belatedly on 30.08.2022, it is pertinent to acknowledge that the petitioner was promoted as B.T. Assistant (Maths) on 14.08.2019 itself by the School Management. Hence, the petitioner contends that he is entitled for approval of appointment of the said promotion with effect from 14.08.2019 onwards. But the request of the petitioner is not considered by the first respondent so far. On 09.01.2023, the third respondent School has sent a proposal to the first respondent through the second respondent for getting



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approval of the petitioner's promotion for the post of B.T. Assistant (Maths) with effect from 14.08.2019 instead of 30.08.2022. However, the same was not considered. Hence, the present writ petition has been filed.

7. Without going into the merits of the case, this Court is inclined to direct the first respondent to consider the proposal, which has been forwarded by the third respondent School through the second respondent to the first respondent on 09.01.2023 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs.

12.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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- To
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 - 2.The District Educational Officer (Secondary),
Office of the District Educational Officer,
Tirunelveli District.
 - 3.The Correspondent,
The Holy Redeemer's Hr. Sec. School,
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L.VICTORIA GOWRI, J.

BTR

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