



W.P.(MD).No.17160 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17160 of 2023

and

W.M.P(MD)No.14352 of 2023

The Correspondent,
Holy Family Higher Secondary School,
Mukkuttukal, Manjalumoodu Post,
Kanniyakumari District-629 151.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Kanniyakumari,
Kanniyakumari District.

3.The District Educational Officer (Secondary),
Marthandam, Kanniyakumari,
Kanniyakumari 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 third respondent District Educational Officer herein to approve forthwith the appointment of T.Christuraj as Office Assistant in the petitioner school with effect from 02.05.2022 with salary and all other attendant benefits.



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For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the third respondent District Educational Officer herein to approve forthwith the appointment of T.Christuraj as Office Assistant in the petitioner School with effect from 02.05.2022 with salary and all other attendant benefits.

2. The petitioner is Correspondent of the School, namely, Holy Family Higher Secondary School, Mukkuttukal, Manjalumoodu, Kanniyakumari District. The petitioner's School is a recognised aided Minority Educational Institution administered by the Syro Malabar Catholic Diocese of Thuckalay. One post of Office Assistant fell vacant in the School on 01.05.2022 due to the retirement of erstwhile incumbent one C.Robinson, who attained his age of superannuation on 30.04.2022. He was duly relieved from service and the same was also approved by the third respondent on 31.05.2022. In the said approved vacancy, the petitioner's School appointed one T.Christuraj, son of Thankaraj



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as Office Assistant with effect from 02.05.2022 and the said T.Christuraj joined duty on the same day.

3. For the purpose of approval of his appointment and disbursement of grant-in-aid towards his salary, the petitioner's School submitted necessary proposal to the respondent District Educational Officer on 23.05.2022. The District Educational Officer on 15.03.2023, returned the proposal seeking 7 documents. On 30.03.2023, the petitioner's School resubmitted the proposal along with the required documents to the second respondent. Thereafter, due to in-action of the second respondent, the petitioner's School once again sent a representation, dated 10.04.2023. However, once again the District Educational Officer returned the proposal seeking for two more documents. The petitioner's School along with required documents forwarded the proposal on 15.06.2023 for which, there is no response till date. Hence, this writ petition came to be filed.

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



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5. The documents placed before me would show the calousness of the respondents in considering the proposal which is being forwarded by the petitioner School, which has been already forwarded by the petitioner School at least twice by promptly submitting the required documents. Despite the same, when this case came up for admission before this Court, the learned Government Advocate for the respondents circulated a communication of the third respondent, dated 24.07.2023, wherein once again four documents are sought for from the petitioner School for considering the proposal.

6. However, the learned Counsel for the petitioner brought to my notice that of the four required documents, three has already been submitted and only the third document has to be submitted.

7. In view of the fact that the other documents are already submitted except the third, the learned Counsel for the petitioner is directed to submit the third document, namely, the original appointment order issued by the competent authority within a period of one (1) week from the date of receipt of a copy of this order and on receipt of the same the third respondent is directed



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to consider the proposal within a period of four (4) weeks, without further raising any queries and thereafter, forthwith approve the appointment of T.Christuraj as Office Assistant in the petitioner School with effect from 02.05.2023 with salary and all other attendance benefits subject to the qualification by the candidate and other applicable rules and regulations.

8. This writ petition stands disposed of accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

25.07.2023

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

To

- 1.The Director of School Education,
College Road, Chennai-600 006.
- 2.The Chief Educational Officer,
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Kanniyakumari District.
- 3.The District Educational Officer (Secondary),
Marthandam, Kanniyakumari,
Kanniyakumari District.



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L.VICTORIA GOWRI, J.

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