



W.P.(MD)No.20569 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.20569 of 2021

Peter Rubilas

... Petitioner

Vs.

1.The Joint Director of School Education,
O/o.the Joint Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.

2.The Chief Education Officer,
O/o.the Chief Education Officer,
Tirunelveli.

3.The District Education Officer,
O/o.The District Education Officer,
Valliyoor,
Tirunelveli.

4.The Manager,
R.C.Schools,
Tuticorin Diocese,
Catholic Bishop's House,
Tuticorin – 628001.



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5. The Secretary,
St. Kitheri High School,
Koothenkuzhi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Nos.1 and 2 to direct the respondent No.3, to approve the appointment of the petitioner by considering the proposal of the fifth respondent dated 31.08.2021 within the time period stipulated by this Court.

For Petitioner	: Mr.Mr.J.Aswin Rajasimman for M/s.T.Lajapathi Roy
For R-1 to R-3	: Mr.J.Ashok, Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the respondents 1 and 2, to direct the third respondent, to approve the appointment of the petitioner by considering the proposal of the fifth respondent, dated 31.08.2021, within a stipulated period.

2. The case of the petitioner is that he was appointed as Graduate Assistant in the fifth respondent School vide proceedings of the fourth respondent, dated 18.11.2016 and subsequently, he got promotion on 19.11.2019. The fifth respondent school management has sent a proposal



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to the respondents 1 to 3, seeking approval of appointment of the petitioner. However, the said proposal was rejected in terms of G.O.Ms.No.165 School Education Department, dated 17.09.2019, stating that no appointment could be made till the entire excess staff identified or to be identified are exhausted by redeployment of such excess staff. While the matter stood thus, in similar issue, vide judgement dated 31.03.2021, this Court issued guidelines in W.A(MD)No.76 of 2019. Thereafter, the fifth respondent has sent a fresh proposal to the respondents 1 to 3, on 30.08.2021 to approve the appointment of the petitioner with effect from 18.11.2016 and his promotion with effect from 19.11.2019. The same is not considered so far. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents 1 to 3, are directed to consider the proposal sent by the fifth respondent, dated 31.08.2021, on merits and in accordance with law, within a specified period.



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4. The learned Additional Government Pleader appearing for the respondents 1 to 3, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents 1 to 3, to consider the proposal, dated 31.08.2021, sent by the fifth respondent to approve the appointment of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of Six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of.

No costs.

03.02.2023

PM
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

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M.DHANDAPANI, J.

pm

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