



W.P.(MD)No.13630 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.13630 of 2016

and

W.M.P(MD)Nos.10163 and 10164 of 2016

G.Rajan

... Petitioner

Vs.

- 1.The Secretary,
Department of School Education,
State of TamilNadu,
Secretariat, Fort St.George,
Chennai - 9.
- 2.The Director of School Education,
DPI Campus, Chennai – 6.
- 3.The District Educational Officer,
Cheranmahadevi,
At Tirunelveli.
- 4.The Manager,
Concordia High and Higher Secondary,
Office of the Manager of Schools,
Nagercoil Synod-India Evangelical Lutheran Church,
Lutheran Centre,
Nagercoil – 629 001.



W.P.(MD)No.13630 of 2016

WEB COPY

5.The Correspondent,
Concordia Higher Secondary School,
Vallioor,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of **Writ of Certiorarified Mandamus**, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings in O.Mu.No.176 A1/2011, dated 19.4.2011 and quash the same as illegal and consequently direct the respondents to approve my appointment in 5th respondent school as B.T. Assistant (Tamil) from the date of joining on 7.3.2007 and to pay all the service and monetary benefits with the arrears within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondent : Mr.V.Omprakash
Government Advocate for R1 to R3

Mr.T.R.Jeyapalam
for R4 and R5

ORDER

This writ petition is filed to quash the impugned order dated 19.4.2011 and to grant approval of appointment to the post of BT Assistant (Tamil). The respondents have denied approval by citing various reasons through the impugned order.



W.P.(MD)No.13630 of 2016

WEB COPY

2. Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.V.Omprakash, learned Government Advocate appearing for R1 to R3 and Mr.T.R.Jeyapalam, learned counsel appearing for R4 and R5. Perused the material documents available on record.

3. After hearing the rival contentions, it is seen that there was some management dispute in the school. Hence the management has not submitted necessary documents which are necessary for approval of appointment.

4. Therefore, this Court is of the considered opinion that the petitioner's case ought to be considered by the processed properly by the official respondents as well as the management.

5. Accordingly, the following order is passed:

1.The official respondents are directed to return the papers to the 4th and 5th respondents.

2.The 4th and 5th respondents are directed to rectify the mistakes and submit the proposal along with the



WEB COPY



W.P.(MD)No.13630 of 2016

documents and certificates within a period of three weeks from the date of receipt of the copy of this order.

3. Thereafter the official respondents shall consider and pass order within a period of six weeks from the date of receipt of the proposal.

6. With this direction the writ petition is allowed. No Costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

Internet : Yes

ksa

03.04.2023



W.P.(MD)No.13630 of 2016

WEB COPY

To

- 1.The Secretary,
Department of School Education,
State of TamilNadu,
Secretariat,
Fort St.George,
Chennai - 9.
- 2.The Director of School Education,
DPI Campus,
Chennai – 6.
- 3.The District Educational Officer,
Cheranmahadevi,
At Tirunelveli.



WEB COPY



W.P.(MD)No.13630 of 2016

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 13630 of 2016**

03.04.2023