



W.P.(MD)No.26693 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.26693 of 2022

S.Murugeswari

... Petitioner

Vs.

1.The Chief Educational Officer,
Thenkasi.

2.The Block Educational Officer,
Grade II,
Keelapavoor Circle, Adaikalapattanam,
Keelapavoor,
Thenkasi District.

3.The Correspondent/Manager,
TDTA Middle School,
Adaikalappattinam,
Thenkasi District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to receive the proposal sent by the third respondent dated 20.10.2022 and approve her appointment as B.T.Assistant (Tamil) in the third respondent School in the light of the order passed by the Hon'ble Arbitators dated



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23.11.2019 within the time stipulated by this Court.

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For Petitioner : Mr.C.Jeganathan
For Respondents : Mr.J.Ashok,
Additional Government Pleader
for R1 and R2

ORDER

This writ petition has been filed for a direction to the respondents 1 and 2 to receive the proposal sent by the third respondent dated 20.10.2022 and approve her appointment as B.T.Assistant (Tamil) in the third respondent School, in the light of the order passed by the Hon'ble Arbitrators dated 23.11.2019, within the time stipulated by this Court.

2. The case of the petitioner is that the petitioner was appointed as B.T.Assistant (Tamil) in the sanctioned post in TDTA Middle School, with the approval of the Assistant Elementary Educational Officer. Thereafter, the proposals were sent for approval of her appointment to the first respondent through the second respondent. However, no action was taken by the first and second respondent. While so, this Court has



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appointed two Hon'ble Administrators, who are retired Judges of this Court to look after the issues of the TDTA Management. Hence, she made a representation to the said Hon'ble Administrators to approve her appointment in the third respondent School. Based on her request, the Hon'ble Administrators have passed an order on 23.11.2019 directing the first and second respondents to approve the proposal for her appointment in the third respondent School with effect from 14.10.2015 and the same was communicated to the respondents 1 and 2. Even thereafter, the respondents 1 and 2 did not take any action. Hence, she submitted a representation on 17.01.2022 to the respondents 1 and 2 to implement the order passed by the Hon'ble Administrators. However, no order was passed till date. On 20.10.2022, the third respondent has also sent a proposal to the second respondent wherein it was stated that the petitioner was appointed as Teacher in the sanctioned post which is a vacant post and there is no surplus vacancy in the said School. After receiving the proposal sent by the third respondent, the second respondent, without passing any order or forwarding the same to the first respondent, has simply returned the said proposal to the third respondent.



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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 this Court directs the third respondent to send a fresh proposal to the respondents 1 and 2 and on receipt of the same, the respondents 1 and 2 may be directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2, 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 third respondent to send a fresh proposal to the respondents 1 and 2 and on receipt of the same, the respondents 1 and 2 are directed to consider the same and pass appropriate orders, on merits and in



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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

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To:

- 1.The Chief Educational Officer,
Thenkasi.
- 2.The Block Educational Officer,
Grade II,
Keelapavoor Circle, Adaikalapattanam,
Keelapavoor,
Thenkasi District.
- 3.The Correspondent/Manager,
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M.DHANDAPANI,J.

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