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W.P.No.1191 of 2024

[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1191 of 2024

and

W.M.P.Nos.1241 & 1242 of 2024

A.John Britto

....

Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai – 600 09.

2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Kittappa School Campus,
Mayiladuthurai,
Mayiladuthurai District – 609 001.

4. The District Educational Officer,
Office of the District Educational Officer,
Katcherry Road,
Mayiladuthurai,
Mayiladuthurai District – 609 001.



W.P.No.1191 of 2024

5. The Correspondent,
St.Paul's Girls Higher Secondary School,
No.2, Gandhiji Road, Mayiladuthurai,
Mayiladuthurai District – 609 001.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 08.06.2023 in O.Mu.No.2601/A2/2022, on the file of the third respondent and the consequential proceedings dated 30.10.2023 in O.Mu.No.987/A3/2022, on the file of the fourth respondent, and quash the same, directing the respondents 1 to 4 to accord approval to the appointment of the petitioner A.John Britto, as Night Watchman in the fifth respondent St.Paul's Girls Higher Secondary School, No.2, Gandhiji Road, Mayiladuthurai, Mayiladuthurai District – 609 001, w.e.f. 03.08.2020, with all monetary and other service benefits.

For Petitioner	: Mr. A.Arul Mary
For R1 to R4	: Mr.K.H.Ravikumar Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 08.06.2023 in O.Mu.No.2601/A2/2022 passed by the third respondent, thereby returned the proposal for approval of the appointment of the petitioner to the post of Night Watchman in the fifth respondent School and directed to re-present the same after getting clarification from the District Educational Officer.



W.P.No.1191 of 2024

WEB COPY

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4 and perused the materials available on record.

3. The petitioner was appointed as Night Watchman in the fifth respondent School with effect from 03.08.2020 in the vacancy arising out of the retirement of one S.Selvaraj. The said post was a regular sanctioned post with grant-in-aid from the Government. After appointment of the petitioner, the fifth respondent School had forwarded the proposal of the appointment of the petitioner for approval to the fourth respondent. However, it was returned for some queries. Once again, it was resubmitted to the third respondent on 24.02.2021. The fifth respondent also declared that there is no surplus Night Watchman post in its group of Schools. However, by the impugned communication dated 08.06.2023, the third respondent returned the paper after getting clarification from the Chief Educational Officer, Mayiladuthurai. Pursuant to the same, the fourth respondent returned the proposal to the fifth respondent.



W.P.No.1191 of 2024

4. Therefore, the fifth respondent is directed to re-present the proposal of appointment of the petitioner for approval after getting clarification from the respondents 1 and 2 within a period of four weeks from the date of receipt of a copy of this order. The third and fourth respondents are directed to pass appropriate orders on the proposal submitted by the fifth respondent within a period of eight weeks, thereafter.

5. With the above direction, this Writ Petitions stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

22.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

1.The Principal Secretary,
Department of School Education,
Fort St.George, Chennai – 600 09.

2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.



W.P.No.1191 of 2024

3. The Chief Educational Officer,
Office of the Chief Educational Officer,
Kittappa School Campus,
Mayiladuthurai,
Mayiladuthurai District – 609 001.

4. The District Educational Officer,
Office of the District Educational Officer,
Katcherry Road,
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W.P.No.1191 of 2024

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Lpp

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