



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.1928 of 2021

S.Chitra Ponmayil

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education
Fort St.George,
Chennai – 600 009.

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

3.The Chief Educational Officer,
Coimbatore District.

4.The District Educational Officer.
Pollachi, Coimbatore District.

5.The Judge-Administrator,
The Tamil Evangelical Lutheran Church (TELC)
P.B.No.86,
Tranquebar House,
Trichy – 620 001.

(R5 deleted vide order dated 01.02.2021 made in
W.P.No.1928 of 2021 by SVNJ)



6.The Chairman,
The Tamil Evangelical Lutheran Church (TELC)
P.B.NO.86,
Tranquebar House,
Trichy – 620 001.

7.The Head Master,
Sr.Bergendal Girls TELC Higher Secondary School,
Kinathukkadavu,
Pollachi, Coimbatore – 642 109.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Writ of Mandamus directing the respondents 3 and 4 to approve the appointment of the petitioner as BT Assistant – Tamil in the 7th respondent school with effect from 03.09.2018 and disbursing the grant-in-aid towards the salary and other monetary benefits of the petitioner within the time frame as fixed by this Court.

For Petitioner : Mr.K.Suresh

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

The writ petition is filed seeking a Writ of Mandamus directing the respondents 3 and 4 to approve the appointment of the petitioner as BT Assistant – Tamil in the 7th respondent school with effect from 03.09.2018 and for release of grant towards the salary and other monetary benefits of the petitioner.



2. It is the case of the petitioner that in a vacancy of the BT Assistant – Tamil that arose on 01.06.2018, the petitioner was considered for appointment and accordingly, she was appointed by an order dated 28.08.2018 and thereafter proposals have been submitted by the 7th respondent for the purpose of approval to the respondents 3 and 4. The petitioner has been working in the post of BT Assistant – Tamil in the 7th respondent school, since 03.09.2018, but she is not been paid any salary. Thereafter, the petitioner submitted a representation before the respondents 6 and 7 requesting them to take steps for getting the appointment of the petitioner's approved, but having not received any response, the petitioner approached this Court by filing present writ petition.

3. On notice issued by this Court, the 3rd respondent filed counter on behalf of the respondents 1 to 4. In the counter affidavit, it is stated that the proposals submitted by the 7th respondent through his letter dated 14.09.2018 to the 4th respondent for approval of the appointment of the petitioner was already returned to the 7th respondent as early as on 26.09.2018 in proceedings Na.Ka.No.7397/A4/2018 on the ground that the 7th respondent is not the competent authority to send the proposal, and also on the ground that as per



staff fixation for the year 2017 four teachers are identified as surplus in the 7th respondent school.

4. The said counter affidavit was filed in the year 2021 and for the reasons best known, the 7th respondent has not chosen to file any counter affidavit in this writ petition. In the light of the specific averment in the counter affidavit that the proposals submitted by the 7th respondent was already returned as early as 2018 on the ground that the 7th respondent is not a competent authority to seek approval of the appointment of the petitioner, the Writ of Mandamus directing the official respondents herein to approve the appointment of the petitioner does not arise at this stage. If at all, the 7th respondent school is interested in seeking approval of the appointment of the petitioner, the 7th respondent or the competent authority of the 7th respondent school ought to have resubmitted the proposal seeking approval of the appointment of the petitioner. As on date, there is no material to show that any such proposal submitted by the 7th respondent seeking approval of the appointment of the petitioner is pending with official respondents.

5. In the light of the above, this writ petition is dismissed. However, it is made clear that in case the 7th respondent school is in a position



to submit proper proposals seeking approval of the appointment of the petitioner, the same shall be considered by the respondents 1 to 4 strictly in accordance with law and pass appropriate orders thereon within a period of eight weeks from the date of submission of such proposal. There shall be no order as to costs.

18.06.2024

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To
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MUMMINENI SUDHEER KUMAR. J.,

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