



WEB COPY



W.P.No. 2720 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 2720 of 2024

and

W.M.P.No. 2996 of 2024

Mobin M Chacko

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The District Educational Officer, (Elementary & Anglo-Indian)
The office of the District Educational Officer,
Triplicane, Chennai – 600 005.
- 4.The Correspondant,
St. Francis Anglo-Indian Girls' High School,
1591, Trichy Road, Coimbatore – 641 018.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to issue orders to approve the appointment of the petitioner, Mr. Mobin M Chacko, working as Office Assistant in the fourth respondent St. Francis Anglo-Indian Girls' High School, 1591, Trichy Road, Coimbatore – 641 018, w.e.f. 02.03.2020 and release salary, with all service and monetary benefits.



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For Petitioner : Mr. Xavier Arulraj, Senior Counsel
for M/s. Father Xavier Associates

For Respondents : Mr. V. Manoharan, for R1 to R3
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a writ of mandamus to direct the respondents 1 to 3 to issue orders to approve the appointment of the petitioner who is working as Office Assistant in the fourth respondent- school and for consequential relief to release salary with all service and monetary benefits in the interest of justice.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

3. In view of the order to be passed by this Court which will not affect the interest of the fourth respondent, notice to fourth respondent is dispensed with.

4. With consent of both parties, this writ petition is disposed of at the stage of admission.

5. The case of the petitioner is that he was appointed as Office Assistant on 28.02.2020 in the fourth respondent-school with effect from 02.03.2020 in the



vacancy arising out the promotion of one Mrs.Girija.P. The said post is a regular sanctioned post, with Grant-in-Aid from the Government. The fourth respondent has sent a proposal for approval for the appointment of the petitioner as Office Assistant with effect from 02.03.2020 to the third respondent on 02.03.2020 with all relevant documents and records. The said proposal was also resubmitted on 06.05.2021. The third respondent vide proceedings dated 06.07.2021 returned the proposal raising certain queries. The fourth respondent by communication dated 10.07.2021 complied with the queries. Thereafter, the CEO, Coimbatore vide proceedings dated 18.07.2022 returned proposal raising extra queries. The fourth respondent by letter dated 19.07.2022 complied with the queries and requested for approval. The fourth respondent once again submitted a representation to the third respondent on 23.01.2023 requesting approval to the appointment of the petitioner but till date, the approval is not responded. Aggrieved by the action of the respondents, the present writ petition is filed.

6. Having heard the submissions of the learned counsel for the petitioner and on perusal of the materials available on record, it is an undisputed fact that the petitioner was appointed as Office Assistant in a regular sanctioned post with Grant-in-Aid from the Government by the fourth respondent. Immediately after appointment of the petitioner, the fourth respondent has sent a proposal to the third respondent and the fourth respondent also periodically clarified the queries raised by



the third respondent and other officers by submitting all relevant documents. It appears the petitioner also submitted several representations to consider the approval at the earliest.

7. Considering the facts and circumstances of the case, it appears the respondent No.3 without any reasonable cause, has withheld the proposal sent by the fourth respondent without granting approval as sought by the fourth respondent which is impermissible under law. Due to the delay in granting approval for the appointment made by the fourth respondent in favour of the petitioner in the sanctioned post, not only the petitioner, the entire family of the petitioner has to suffer as he could not get any salary. The petitioner could not attend the day to day needs of the family and expenditure to be incurred for the education for the children and any medical expenditure required for the family members. As such, without considering all these aspects, keeping the proposal pending by the third respondent, in my considered opinion, is nothing but violating the 'right of life' to the petitioner and his family, which is guaranteed under Article 21 of the Constitution of India.

8. Under these circumstances, in my considered view, it is reasonable and appropriate to direct the third respondent to take decision and pass orders in accordance with law on the proposal sent by the fourth respondent forthwith to meet the interest of justice.



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9. Accordingly, this Writ Petition is disposed of directing the third respondent to take decision and pass orders in accordance with law within a period of one week from today.

10. Consequently, connected miscellaneous petition is closed.

11. There shall be no order as to costs.

08.02.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

Note : Issue order copy on 12.02.2024.



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BATTU DEVANAND, J.

AT

To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai – 600 009.

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

3.The District Educational Officer, (Elementary & Anglo-Indian)
The office of the District Educational Officer,
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