



WEB COPY



W.P.No.12192 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12192 of 2021

R.Rajiv Gandhi

... Petitioner

Vs.

1.The chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.

2.The District Educational Officer,
Tiruvannamalai Educational District,
Tiruvannamalai.

3.The Correspondent,
Sri Srinivasa Higher Secondary School,
Gowdama Ashramam, Adi Annamalai,
Tiruvannamalai 606 604.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to approve the appointment of the petitioner in the post of B.T.Assistant (English) from the date of initial appointment in the sanctioned post on 02.01.2015 instead of 19.10.2015 and consequently direct the respondents to make the payment of salary for the period from 02.01.2015 to 18.10.2015 for the service rendered by the petitioner in the post of B.T.Assistant (English), with all consequential and other attendant



W.P.No.12192 of 2021

benefits including arrears of salary along with interest based on the representation submitted by the petitioner on 12.03.2019, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.M.Rajendran, AGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents 1 and 2 to approve the appointment of the petitioner in the post of B.T.Assistant (English) from the date of initial appointment in the sanctioned post on 02.01.2015 instead of 19.10.2015 and consequently direct the respondents to make the payment of salary for the period from 02.01.2015 to 18.10.2015 for the service rendered by the petitioner in the post of B.T.Assistant (English), with all consequential and other attendant benefits including arrears of salary along with interest based on the representation submitted by the petitioner on 12.03.2019, within a time frame to be fixed by this Court.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.M.Rajendran, learned Additional Government Pleader for the



W.P.No.12192 of 2021

respondents.

WEB COPY

3. The petitioner was appointed as B.T.Assistant (English) in the third respondent Government Aided School on 02.01.2015. Despite the proposal was forwarded by the third respondent for approval of the appointment of the petitioner, the approval was given effect only from 19.10.2015 by the second respondent vide proceedings dated 03.12.2015 in Rc.No.342/A3/2015. In view of the above stated reasons, the petitioner was not given with salary for the period between 02.01.2015 to 19.10.2015. Therefore, the petitioner is before this Court.

4. The learned Additional Government Pleader for the respondents submitted that even though the post is a sanctioned post, the third respondent ought to have obtained prior permission for filling up the post. Further, he drew the attention of this Court to the proposal sent by the third respondent School to the second respondent, wherein, it has been stated that the petitioner has been appointed as B.T.Assistant (English) only on 19.10.2015.

5. Even in the proposal sent by the third respondent School itself it



W.P.No.12192 of 2021

has been stated that the petitioner's appointment as B.T.Assistant (English) had been made only on 19.10.2015. In such circumstances, the petitioner cannot claim that his appointment to the said post should be approved from 02.01.2015. Hence, the relief as sought by the petitioner cannot be granted and this Writ Petition is liable to be dismissed.

6. In view of the above stated reasons, this Writ Petition is dismissed. No costs.

19.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



W.P.No.12192 of 2021

To

WEB COPY

- 1.The chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The District Educational Officer,
Tiruvannamalai Educational District,
Tiruvannamalai.
- 3.The Correspondent,
Sri Srinivasa Higher Secondary School,
Gowdama Ashramam, Adi Annamalai,
Tiruvannamalai 606 604.



WEB COPY



W.P.No.12192 of 2021

R.N.MANJULA, J.

gsk

W.P.No.12192 of 2021

19.01.2024