



WEB COPY



W.P.No.12901 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

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

W.P.No.12901 of 2024 and
WMP.No.14065 of 2024

S.Raj

... Petitioner

Vs.

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006
- 2.The Chief Educational Officer,
Presidency Girls Higher Secondary School Campus,
Egmore,
Chennai 600 008
- 3.The District Educational Officer(Secondary),
Chennai North,
SIDCO Nagar, Villivakkam,
Chennai 600 049
- 4.The Correspondent,
CSI St.Paul's Higher Secondary School,
Vepery,
Chennai 600 007

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass orders granting approval of appointment of the petitioner in the post of Junior Assistant from the date of appointment on 02.01.2019 based on the proposal submitted by the 4th respondent school dated 26.09.2023



W.P.No.12901 of 2024

and in accordance with staff fixation order issued by the 1st respondent in Na.Ka.No.8968 /E4 /2018 dated 16/11/2018 for the academic year 2018-2019 with all consequential and other attendant benefits including payment of arrears of salary from the date of appointment within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents

For R1 to 3 : Mr.M.Rajendran,
Additional Government Pleader

For R4 : No appearance

ORDER

This writ petition has been filed for direction to the second respondent to approve the appointment of the petitioner in the post of Junior Assistant from the date of his appointment.

2. There arose a vacancy in the fourth respondent school for a post of Junior Assistant due to retirement of an incumbent D.Prabakar on 31.12.2018. In the resultant vacancy, the petitioner was appointed as Junior Assistant on 02.01.2019. Thereafter, the fourth respondent had sent proposal for approval of his appointment to the post of Junior



W.P.No.12901 of 2024

Assistant. However, it was returned by the third respondent by the proceedings dated 18.07.2022 raising certain queries. Once again the fourth respondent had submitted proposal for approval of the petitioner's appointment to the post of Junior Assistant.

3. On written instruction, the learned Additional Government Pleader appearing for respondents 1 to 3 submitted that though the petitioner was appointment in the year 2019 in the post of Junior Assistant, in the year 2022-2023 and 2023-2024, the post of Junior Assistant became surplus as per GO.Ms.No.238 dated 13.11.2018 as when the strength is above 1000 students, two Junior Assistants or one Junior Assistant and one Record Clerk posts are sanctioned. Already there is one Junior Assistant and one Record Clerk working in the fourth respondent school. Therefore, the appointment of the petitioner cannot be approved since the post of Junior Assistant was declared as surplus. That apart, the fourth respondent also failed to annex the educational certificates of the petitioner and also not submitted through the third respondent. Therefore, the proposal for approval of the appointment of



W.P.No.12901 of 2024

the petitioner for the post of Junior Assistant cannot be considered, As such, this writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

03.07.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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