



WEB COPY



W.P.No.18168 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM:

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

W.P.No.18168 of 2022

K.Kalaivani

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound,
College Road,
Chennai-6

2.The District Educational Officer,
Nagapattinam 611 001

3.The Correspondent,
Ghoutia Higher Secondary School,
Nagore 611 002

4.The Chief Educational Officer,
Nagapattinam

(4th respondent impleaded vide order
dated 11.01.2024 in WMP.No.23878
of 2022 in WP.No.18168 of 2022)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the proposal submitted by the third respondent Higher Secondary School, Nagore for the approval of the appointment of the petitioner as B.T.Assistant (Maths) within a reasonable time frame.



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For Petitioner : Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

For Respondents
For R1, 2 & 4 : Mr.S.Arumugam,
Government Advocate

ORDER

This writ petition has been filed for direction to the second respondent to consider the proposal submitted by the third respondent for approval of appointment of the petitioner in the post of B.T.Assistant (Maths).

2. The third respondent School is a minority school with Government aid. The petitioner was appointed in the vacancy arose on account of the promotion of one, S.Jahangir as B.T.Assistant. It is a sanctioned post and as such, the petitioner was appointed in the post of BT Assistant(Maths) in the third respondent School. However, the appointment of the petitioner was challenged by one, Shankar before this Court. As directed by this court, the said Shankar was appointed as BT



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Assistant and his appointment was approved by the first respondent.

Subsequently, one Secondary Grade Teacher by name Rajkumar who was serving in the third respondent School died on 22.04.2019. In the said vacancy, the petitioner was appointed on 30.09.2019 by the third respondent. Further, the third respondent requested that the vacant post may be converted into the post of BT Assistant(Maths) and sent proposal to the second respondent. However, it was returned by the Chief Educational Officer in its proceedings in the month of November 2019. In the meanwhile, on 31.05.2019, due to superannuation of the headmaster, the post of Headmaster of the School fell vacant and to that place, BT Assistant one, Jahangir has been promoted and his post fell vacant. In the said post, the petitioner was once again appointed as BT Assistant(Maths) on 25.04.2019. Thereafter, the third respondent had sent proposal for approval of the petitioner's appointment and it is pending on the file of the second respondent.

3. Considering the above facts and circumstances, the second respondent is directed to consider the proposal submitted by the third



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respondent for approval of the petitioner's appointment as BT Assistant(Maths) on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

4. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

11.01.2024
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

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G.K.ILANTHIRAIYAN, J.

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