



W.P(MD)No.2037 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.2037 of 2024

The Correspondent,
St.Joseph's Higher Secondary School,
Mulagumoodu,
Kanyakumari District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat, Chennai-9.

2.The Commissioner of School Education,
College Road, Chennai.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer (Secondary),
Marthandam,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to approve the appointment of L.M.Vimala Christal as Junior Assistant with effect



W.P(MD)No.2037 of 2024

from her date of appointment that is 13.03.2023 based on the recommendation of the 4th respondent bearing Na.Ka.No.3963/A2/2023, dated 24.08.2023 and to grant all the service and monetary benefits in consequent to the same within a time frame that may be fixed by this Court by considering the proposal resubmitted by the petitioner dated ----.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.T.Thiraviyam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 3rd respondent to approve the appointment of L.M.Vimala Christal as Junior Assistant with effect from her date of appointment that is 13.03.2023 based on the recommendation of the 4th respondent bearing Na.Ka.No.3963/A2/2023, dated 24.08.2023 and to grant all the service and monetary benefits in consequent to the same within a stipulated time by considering the proposal resubmitted by the petitioner.

2. The petitioner school is a minority institution. One post of Junior Assistant had arisen in the petitioner school due to the retirement of one S.Lawrence who was working as Junior Assistant, retired on 30.06.2022. One



W.P(MD)No.2037 of 2024

L.M.Vimala Christal made an application for being appointed to the said post.

On considering her eligibility, she was appointed as Junior Assistant with effect from 13.03.2023. Pursuant to the appointment, on 27.04.2023, the petitioner had sent a proposal to the 4th respondent so as to approve the appointment of the said L.M.Vimala Christal as Junior Assistant enclosing all relevant documents, following which the proposal was acted upon by the proceedings of the 4th respondent on 30.05.2023 and the proposal was returned directing the petitioner to resubmit the proposal along with the certificate that there is no surplus post of Junior Assistant in the R.C. Diocese Management schools. Along with the said certificate, the petitioner further submitted a proposal before the 4th respondent. The 4th respondent, on receipt of the same, had forwarded the same to the 3rd respondent. However, the same was not disposed off by the 3rd respondent. In view of the same, this writ petition came to be filed.

3. The learned Government Advocate appearing for the respondents submitted that already the 4th respondent has recommended the case of the petitioner to the 3rd respondent and the same will be considered, if the records are proper in accordance with law.



W.P(MD)No.2037 of 2024

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4. Recording the submission made by the learned Government Advocate, this Court hereby direct the 3rd respondent to pass appropriate orders in accordance with law, on the proposal forwarded by the 4th respondent vide proceedings, dated 24.08.2023, in the matter of the approval of the appointment of L.M.Vimala Christal. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. No costs.

23.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat, Chennai-9.

2.The Commissioner of School Education,
College Road, Chennai.



W.P(MD)No.2037 of 2024

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3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer (Secondary),
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W.P(MD)No.2037 of 2024

L.VICTORIA GOWRI, J.

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W.P(MD)No.2037 of 2024

23.02.2024