



W.P.(MD).No.3582 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3582 of 2024
and W.M.P(MD) Nos.3535, 3536 of 2024

C.Babu Santharam

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St. George Fort, Secretariat,
Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 009.
3. The Chief Educational Officer,
Seena Vana Higher Secondary School Campus,
Thoothukudi, Thoothukudi District.
4. The District Educational Officer,
Seena Vana Higher Secondary School Campus,
Thoothukudi, Thoothukudi District.
5. The Secretary,
Kayalpatanam-Arumuganeri Higher Secondary School,
Arumuganeri, Thoothukudi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd Respondent vide his impugned proceedings in O.Mu.No.7352/A3/2022 dated 28.12.2022 and the consequential impugned order passed by the 3rd respondent vide his impugned proceedings in Na.Ka.No.4400/A2/2022 dated 09.02.2023 and quash the same as illegal and consequentially to direct the 2nd respondent to approve the petitioners appointment cum promotion as B.T.Assistant (History) and disburse all the consequential monetary and retirement benefits along with an accrued interest thereon within the period stipulated by this Court.

For Petitioner : Mr.M.Mohamed Suhail

For Respondents : Mr.N.Ramesh Arumugam (R1-R4)
Government Advocate

ORDER

The present writ petition has been filed challenging the impugned order passed by the 3rd Respondent in O.Mu.No.7352/A3/2022, dated 28.12.2022 and the consequential impugned order passed by the 3rd respondent in Na.Ka.No.4400/A2/2022, dated 09.02.2023 and consequentially direct the 2nd respondent to approve the petitioner's appointment cum promotion as B.T.Assistant (History) and disburse all the consequential monetary and



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retirement benefits along with an accrued interest thereon within the period stipulated by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself and notice to the fifth respondent is dispensed with.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner was initially appointed as Lab Assistant on 22.03.1996 in the 5th respondent institution and the same was also approved on the same day. Thereafter, he was promoted on 15.06.2011 in a vacancy, which arose on account of promotion of the erstwhile incumbent one Mr.M.Arighandraraj. The petitioner reached the age of superannuation on 31.10.2022. Since he reached the age of superannuation in the middle of the academic year, he was given reemployment from 01.11.2022 to 31.05.2023. His



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promotion as P.G.Assistant was approved in March, 2019. His proposal for approval was processed.

(ii).The 5th respondent vide proceedings, dated 18.02.2020 submitted the proposal of the petitioner to approve his appointment cum promotion to the respondents 3 and 4. Since the same was not considered, the 5th respondent filed a writ petition in W.P(MD)No.5989 of 2021 before this Court and this Court vide order, dated 17.03.2021 directed the respondents 3 and 4 herein to approve the petitioner's appointment cum promotion. Pursuant to the direction of this Court, the third respondent vide proceedings, dated 07.11.2021 returned the proposal and the same was resubmitted by the 5th respondent to the 3rd respondent, following which, the third respondent returned the same stating that the entries regarding the genuineness of qualification should be entered into the service register and also to verify whether prior permission was obtained or not. Challenging the same, this writ petition came to be filed.

5.The learned Government Advocate fairly submitted that the proposal sent by the fifth respondent is not at all rejected and it was only



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returned. If the proposal is resubmitted with proper documents, the same could be considered on merits. Hence this writ petition is not necessary.

6.In view of the above submission, the fifth respondent is directed to resubmit the proposal by effecting proper entries regarding genuineness of qualification into the service register of the petitioner. It is made clear that if the proposal is resubmitted by the 5th respondent with all necessary documents as required, on receipt of the same, the 3rd respondent is directed to approve the appointment cum promotion of the petitioner, within a period of eight weeks, thereafter.

7.With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.3582 of 2024
and W.M.P(MD) Nos.3535, 3536 of 2024

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