



W.P.(MD)No.3397 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.3397 of 2024 &
W.M.P.(MD)No.3365 of 2024

The Correspondent,
Aided Higher Secondary School,
Arumanai - 629 151,
Kanyakumari District.

... Petitioner

vs.

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Nagercoil Kanyakumari District.

3.The District Educational Officer,
Marthandam Educational District,
Marthandam, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to approve forthwith the appointment of T.Inba Dhas as Watchman in the petitioner School w.e.f. 01.06.2020 with salary and all other consequential benefits.



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For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.K.Ragatheesh Kumar, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

2. The petitioner School has filed this petition seeking to issue a Writ of Mandamus directing the third respondent to approve forthwith the appointment of T.Inba Dhas as Watchman in the petitioner School w.e.f. 01.06.2020 with salary and all other consequential benefits.

3. The petitioner School has appointed one T.Inba Dhas as Watchman with effect from 01.06.2020 in the vacancy that arose due to the retirement of K.Balachandran Nair. Subsequently, the petitioner School has submitted a proposal to the third respondent on 06.10.2020 for approval of appointment. Since no orders were passed in the proposal,



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the petitioner School has sent remainders on 01.06.2021 and 13.09.2021.

The same did not evoke any response. Hence, the writ petition.

4. Mr.K.Ragatheesh Kumar, learned counsel appearing for the petitioner submitted the second respondent vide proceedings dated 09.01.2023 has sanctioned the petitioner School with one post of Watchman. T.Inba Dhas was appointed in the vacancy that arose due to the retirement of one K.Balachandran Nair. Hence, the question of filling up the vacancy by deploying in other aided School in the revenue District will not arise and hence the restriction in the Government Order in G.O.Ms.No.238, School Education Department, 13.11.2018 is not applicable to this case

5. The attention was drawn to the Order dated 17.04.2024 passed by this Court in W.P.(MD)No.5393 of 2024, wherein, this Court has held as under.



"7. However, the subject matter was pending in W.A(MD)No. 816 of 2023 which has been filed by some other petitioner and in which a portion of G.O.No.238 School Education Department dated 13.11.2018 has been stayed. The respondent has got no quarrel as regards the vacancy position of Record Clerk and that it is a sanctioned post of the relevant academic year. But the objection was regard to the implication of G.O.No.238 School Education Department dated 13.11.2018. Since the matter is subjudice, the respondent can give approval to the proposal submitted by the petitioner subject to the outcome of W.A.(MD)No.816 of 2023."

6. In the instant case also, T.Inba Dhas was appointed as Watchman (non-teaching post) as against the sanctioned post and he is also similarly placed as that of the petitioner in W.P.(MD)No.5393 of 2024. In view of the same, the third respondent can give approval to the proposal submitted by the petitioner School for appointment of T.Inba Dhas as Watchman with effect from 01.06.2020 subject to the outcome of W.A.(MD)No.816 of 2023.



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7. With the above observations, the writ petition is **disposed of**.

No costs. Consequently, connected Miscellaneous Petition is closed.

26.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

- 1.The Director of School Education,
College Road, Chennai - 600 006.
- 2.The Chief Educational Officer,
Nagercoil Kanyakumari District.
- 3.The District Educational Officer,
Marthandam Educational District,
Marthandam, Kanyakumari District.



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R.N.MANJULA, J.

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