



W.P.(MD)No.6779 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.6779 of 2024 &
W.M.P.(MD)No.6295 of 2024

A.Sebastin Christopher,
Office Assistant,
St.Joseph's Girls Higher Secondary School
Kumbakonam - 612 001
Thanjavur District.

... Petitioner

vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
The Office of the CEO,
Thanjavur District - 613 001.
- 4.The District Educational Officer,
The Office of the DEO,
Kamatchi Josiyar Street,
Opp. to CUB,



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Kumbakonam
Thanjavur District - 612 001.

5.The Correspondent

St.Joseph's Girls Higher Secondary School
Kumbakonam - 612 001
Thanjavur 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 Chief Educational Officer to approve forthwith the petitioner's appointment as Office Assistant with effect from the date of the petitioner's appointment viz., 10.04.2023 in the fifth respondent School with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Ms.S.Amala Irudhaya Mary

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 to R4

ORDER

Heard Ms.S.Amala Irudhaya Mary, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1 to 4.



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2. The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the third respondent to approve forthwith his appointment as Office Assistant in the fifth respondent School with effect from 10.04.2023 with all attendant benefits including the arrears of salary and allowance.

3. The petitioner has been appointed as Office Assistant in the fifth respondent School on 10.04.2023. A proposal that has been sent by the fifth respondent School for approval of the petitioner's appointment is yet to be considered. Hence, the writ petition.

4. Ms.S.Amala Irudhaya Mary, learned counsel appearing for the petitioner submitted that the petitioner has been appointed as against the sanctioned post and as on the day when the petitioner was appointed in the fifth respondent School, there was no surplus of non-teaching posts either in the fifth respondent School or in the corporate Management, under which the fifth respondent School falls.



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5. In such case, there will be no difficulty for the third respondent to accord approval to the appointment of the petitioner as Office Assistant in the fifth respondent School with effect from 10.04.2023.

6. In view of the above observations, the writ petition is **disposed of** and the respondents 3 and 4 are directed to consider the proposal submitted by the fifth respondent School dated 02.08.2023 and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. 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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- 1.The Secretary,
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- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
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Opp. to CUB, Kumbakonam
Thanjavur District - 612 001.



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R.N.MANJULA, J.

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