



WP(MD) No.8364 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.8364 of 2024

S.Ravi

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Education,
Secretariat,
Chennai - 600 009.

2. The Director of School Education,
Elementary Education,
Chennai - 6.

3. The District Education Officer (Elementary Education),
Pudukottai,
Thoothukudi District - 628 103.

4. The Correspondent,
Eka Ratchagar Sabai Middle School,
Mukuperi - 628 616.
Thoothukudi.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to approve the appointment of the petitioner in the post of B.T.Assistant (Tamil) from 03.10.2008 and to provide all the monetary and service benefits from 03.10.2008 by considering the representation made by the 4th Respondent on 13.01.2012.

For Petitioner : Mr.S.Louis

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1 to R3

ORDER

The writ petition has been filed for issuance of Writ of Mandamus, to direct the 3rd respondent to approve the appointment of the petitioner in the post of B.T.Assistant (Tamil) from 03.10.2008 and to provide all the monetary and service benefits from 03.10.2008 by considering the representation made by the 4th Respondent on 13.01.2012.

2. Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the



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respondents 1 to 3.

3. By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4. The petitioner was appointed as a temporary BT Assistant on 03.01.2007. Subsequently, without any notice, the petitioner's appointment was cancelled by an order dated 08.02.2007. Thereafter, the petitioner challenged the same by preferring W.P(MD)No.1589 of 2007 and the same was allowed. Subsequently, as per the direction of the Court, the petitioner has been issued with the order dated 25.09.2008 by the 4th respondent to appoint the petitioner. Now, the grievance of the petitioner is that his appointment has been taken place from the date on 03.10.2008. However, the approval has been given from 01.11.2009. But in the appointment order issued to the petitioner by the 4th respondent dated 25.09.2008 itself has been stated that the petitioner has joined on 08.01.2007 when there was no vacancy and the subsequent order has been given only in pursuant to the direction of the Court. In the said order, it has been stated that the



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vacancy has been arising on 28.02.2007 on the retirement of one Jebamani Chelladurai. Thereafter, the 4th respondent has sent the proposal to the Government for approval. As per the order dated 28.02.2011, the 3rd respondent has given the approval. However, from 01.11.2009 and not from 03.10.2008 as claimed by the petitioner. But even in the appointment order, it has been stated that from 01.03.2007 till the date of his appointment, the salary will be disbursed to the petitioner only after getting the Government aid. However, in the approval order dated 28.02.2011, the 3rd respondent stated that the petitioner's appointment has been approved as against the vacancy arose due to the retirement of the Headmaster by name Devadasan Gnanaraj. As Devadasan Gnanaraj retired on 31.10.2009, the appointment has been given effect from the next day ie., on 01.11.2009, even though the appointment order has stated that the petitioner was allowed to work in the place of one Jebamandi Chelladurai who was retired on 28.02.2007.

5. Since there is discrepancy in the order dated 25.09.2008 the 3rd respondent shall clarify the same and issue an order by considering the claim of



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the petitioner.

6. With the above observation, this writ petition is **disposed of**. No Costs.

02.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PJL

To

1. The Principal Secretary,
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Department of Education,
Secretariat,
Chennai - 600 009.

2. The Director of School Education,
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Chennai - 6.

3. The District Education Officer (Elementary Education),
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R.N.MANJULA, J.

PJL

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