



W.P.(MD)No.10925 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.10925 of 2021

and

W.M.P.(MD)No.8572 of 2021 & 5129 of 2023

P.Vinothraj

... Petitioner

/Vs./

- 1.The Secretary to the Government,
Department of School Education,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Compound, College Road,
Chennai.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Tirunelveli District, Tirunelveli.
- 5.The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli,
Tirunelveli District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondent to approve the appointment of the petitioner as B.T.Assistant (English) in the 5th respondent School from the date of appointment i.e., 06.03.2018 and confer all the consequential benefits.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.T.Amjad Khan (R1 to R4)

Government Advocate

Mr.G.Prabhu Rajadurai (R5)

ORDER

This writ petition has been filed for a writ of mandamus, seeking for a direction to the third and fourth respondents to approve the appointment of the petitioner as BT Assistant (English) in the fifth respondent school from the date of appointment i.e., 06.03.2018 and confer all the consequential benefits.

2. Heard Mr.S.Chellapandian, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 to 4 and Mr.G.Prabhu Rajadurai, learned counsel appearing for the fifth respondent.



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3. At the outset, the learned counsel appearing for the petitioner is satisfied, if the proposal of the fifth respondent dated 07.03.2018 submitted to the third respondent seeking for approving the appointment of the petitioner as BT Assistant (English) in the fifth respondent school from the date of appointment ie., 06.03.2018 is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

4. The learned Government Advocate appearing for the official respondents has also not raised any serious objection, if such a direction is passed by this Court.

5. Even though counter affidavit has been filed by the official respondents in this writ petition, no prejudice will be caused to the respondents, if the fifth respondent's proposal as stated supra is considered on merits and in accordance with law by the third and fourth respondents.

6. It is represented by the learned counsel appearing for the fifth



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respondent school, on instructions that till date, no action has been initiated against the petitioner for removing him from the fifth respondent service.

7. For the foregoing reasons, this Court directs the third and fourth respondents to pass final orders on merits and in accordance with law, on the fifth respondent's proposal dated 07.03.2018 seeking approval for appointment of the petitioner as BT Assistant (English) in the fifth respondent school from the date of his appointment ie., 06.03.2018 within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the proposal submitted by the fifth respondent, in this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

12.08.2024

Index : Yes / No



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NCC : Yes / No
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TO:

- 1.The Secretary to the Government,
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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.10925 of 2021

Dated:
12.08.2024