



W.P.(MD)Nos.11435 & 11436 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)Nos.11435 & 11436 of 2022 &
W.M.P.(MD)Nos.8128 & 8134 of 2022

W.P.(MD)No.11435 of 2022

K.Kathiresan

... Petitioner

vs.

1.The Director of School Education,
Chennai.

2.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

3.The District Educational Officer,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records relating to the impugned order dated 06.01.2021 in Na.Ka.Nos.3922 and 3923/A2/2020 passed by the third respondent and quash the same and consequentially to direct the respondents 2 and 3 to approve the appointment of Arunpandiyan S/o. Balasubramanian as Office Assistant



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in the Hindu Nadar High School, Pudur, Vilathikulam Taluk,
Thoothukudi District within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Barathan
for Mr.T.R.Jeyapalam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

W.P.(MD)No.11436 of 2022

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appointment of K.Vignesh as Junior Assistant in the Hindu Nadar High School, Pudur, Vilathikulam Taluk, Thoothukudi District within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Barathan
for Mr.T.R.Jeyapalam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

COMMON ORDER

Heard Mr.J.Barathan, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

2. The petitioner who is the Secretary of the Hindu Nadar High School, Pudur, Vilathikulam Taluk, Thoothukudi District has filed these petitions seeking to quash the impugned orders of the third respondent dated 06.01.2021 in Na.Ka.Nos.3922 and 3923/A2/2020 and to direct the respondents 2 and 3 to approve the appointments of Arunpandiyan as Office Assistant and K.Vignesh as Junior Assistant in the School within a stipulated time.



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3. The sanctioned staff strength in the above said School for the academic year 2019-20 to the posts of Junior Assistant and Office Assistant is one each. One Arunpandiyar was appointed as Office Assistant and one K.Vignesh was appointed as Junior Assistant against those sanctioned posts. A proposal in this regard was also sent by the School to the second respondent for approval. However, the same was returned by stating that the approval can be granted only when the second respondent comes to know that there are no surplus posts in the cadre of Junior Assistant and Office Assistant and even if promotion is given for any such appointments, those posts will be filled only by deployment.

4. In fact, the said communication has been sent to the School as early as in the year 2021. But, so far, no deployment has been made. The persons who have been appointed in the School in the capacity of Junior Assistant and Office Assistant continue to work in the School.

5. The inaction on the part of the third respondent only would show that there are no surplus persons available during the relevant point



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of time to be deployed to the School in the ensuing counselling. Hence, the impugned orders passed by the third respondent are liable to be set aside.

6. Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that inaction on the part of the third respondent is just because the writ petitions are pending before this Court.

7. It is made clear that there was no stay order granted / pending so far. In such case, the objection raised by the respondents are untenable.

8. In view of the above observations, the writ petitions are **disposed of** and the impugned orders of the third respondent dated 06.01.2021 in Na.Ka.Nos.3922 and 3923/A2/2020 are set aside. The third respondent is directed to grant approval to the appointments made to the post of Junior Assistant and Office Assistant in the petitioner School



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within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

13.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
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To

- 1.The Director of School Education,
Chennai.
- 2.The Chief Educational Officer,
Thoothukudi District, Thoothukudi.
- 3.The District Educational Officer,
Kovilpatti,
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R.N.MANJULA, J.

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