



W.P.(MD)No.16519 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16519 of 2024

The Manager/Correspondent,
Dr.Samuel Higher Secondary School,
Santhapuram,
Kanyakumari District-629 201.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented 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,
Nagercoil, Kanyakumari District.
4. The District Educational Officer
Thuckalay,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the 3rd respondent Chief



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Educational Officer to approve forthwith the appointment of V.John Rose as PG Assistant (Economics) in the petitioner's School namely, Dr.Samuel Higher Secondary School, Santhapuram with effect from 16.10.2020 and disburse the grant-in-aid towards his salary and allowance from the said date.

For Petitioner : Mrs.A.Amala

For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

Heard Mrs.A.Amala, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

2.The petitioner School has filed this writ petition for issuance of a direction to the 3rd respondent Chief Educational Officer to approve forthwith the appointment of V.John Rose as PG Assistant (Economics) in the petitioner's School namely, Dr.Samuel Higher Secondary School, Santhapuram with effect from 16.10.2020 and disburse the grant-in-aid towards his salary and allowance from the said date.



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3. The petitioner school appointed one V.John Rose as PG Assistant (Economics) with effect from 16.10.2020 in the vacancy arose due to the promotion of the then incumbent M.Arul Raj as Headmaster. When the proposal was submitted by the petitioner School to the third respondent on 17.02.2021 to approve the appointment, the same was returned for want of some additional particulars. Hence, the petitioner school furnished all the particulars and resubmitted the proposal on 16.12.2022 to the third and fourth respondents seeking approval of appointment of the said V.John Rose as P.G. Assistant (Economics). Further it is stated that in this regard, the Commissioner of School Education and Director of Elementary Education vide proceedings in Na.Ka.No.34116/D1/E4/2013 dated 29.03.2023 directed the authorities to approve all the appointments of Headmaster and the PG Assistant in the sanctioned posts. But till date the proposal was kept pending before the third and fourth respondents without any consideration. Hence, the petitioner has filed the present Writ Petition.

4. Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents would submit that the proposal of the petitioner



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School would be considered by the respondents 2 and 3 within a time frame fixed by this Court.

5. In the light of the above submission, there shall be a direction to the respondents 2 and 3 herein to pass final orders in the proposal of the petitioner, dated 16.12.2022 on its own merits and in accordance with law and in the light of the proceedings of the Commissioner of School Education and Director of Elementary Education in Na.Ka.No. 34116/D1/E4/2013 dated 29.03.2023, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents 2 and 3 to consider the same on its own merits.

6. With the above direction, the Writ Petition stands **disposed of**. No costs.

23.07.2024

NCC: Yes/No
Index : Yes/No
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To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
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2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
4. The District Educational Officer
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R.N.MANJULA, J.

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