



W.P.(MD).No.18480 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18480 of 2024

and

W.M.P.(MD)Nos.15706 and 15707 of 2024

K.Arun

Vs

...Petitioner

1.The Director of School Education,
College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Kanyakumari District,
Nagercoil – 629 001.

3.The District Educational Officer,
(Secondary),
Nagercoil – 629 001,
Kanyakumari District.

4.The Correspondent,
Carmel Higher Secondary School,
Nagercoil – 629 004,
Kanyakumari District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent District Educational Officer (Secondary) in O.Mu.No.1738/Aa2/2022 dated 19.05.2022, quash the same and further direct the respondents to approve the appointment of the petitioner as Lab Assistant in the fourth respondent School w.e.f., 11.02.2020 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.S.Xavier Rajini

For R-1 to R-3 : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.S.Xavier Rajini, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 to 3.

2. This Writ Petition has been filed seeking to quash the order of the third respondent dated 19.05.2022 and further direct the respondents to approve the appointment of the petitioner as Lab Assistant in the fourth respondent School w.e.f., 11.02.2020 with all attendant benefits including arrears of salary and allowances.

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3. Mr.S.Xavier Rajini, learned counsel for the petitioner submitted that the petitioner's appointment is only against the sanctioned post which was very much available at the time of his appointment. The petitioner has been appointed as Lab Assistant in the fourth respondent School on 11.02.2020. When the proposal was sent for approval of the petitioner's appointment by the fourth respondent School, the same was returned stating that there were certain posts held as surplus and the fourth respondent School has to give clarification as to the deployment.

4. As far as the petitioner's post is concerned, it is a sanctioned post and the fourth respondent School, being a minority institution, has to comply the written remarks, by giving proper clarification as to the deployment. Hence, the petitioner is at liberty to request the fourth respondent to resend the proposal by giving proper clarification as to the availability of the sanctioned strength for appointing the petitioner, in order to cause the third respondent to consider and pass orders.



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5. In view of the above stated reasons, this Writ Petition is **disposed of** with liberty to the petitioner to submit a fresh representation along with the copy of this order to the fourth respondent School and on receipt of the same, the fourth respondent School is directed to resend the proposal for approval of appointment of the petitioner as Lab Assistant w.e.f., 11.02.2020 along with proper clarification as to the deployment, to the third respondent, within a period of two weeks from the date of receipt of a copy of the representation and thereafter, the third respondent is directed to consider the proposal and pass orders, within a period of four weeks therefrom. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower II, 4th Floor,
Egmore, Chennai – 600 008.
- 2.The Senior Regional Manager,
TASMAC Limited,
Plot No.100, Anna Nagar,
Madurai – 625 020.
- 3.The District Manager,
IMFS Depot, TASMAC Limited,
Thondi Road, Palamalai Nagar,
Narikuruvar Colony,
Soorakulam Village,
Sivagangai District.



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R.N.MANJULA, J.

Nsr

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