



WP(MD) No.20915 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.20915 of 2022

T.Pon Sudhan

Physical Education Teacher

Devaswom Higher Secondary School,

Mondaikadu-629 251,

Kanyakumari District.

... Petitioner

Vs.

1.The District of School Education,

College Road,

Chennai-600 006.

2.The Chief Educational Officer,

Nagercoil,

Kanyakumari District.

3.The District Educational Officer,

Thuckalay,

Kanyakumari District.



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4.The District Inspector of Physical Education,
O/o. the Chief Educational Officer,
Nagercoil,
Kanyakumari District.

5.The Join Commissioner,
Kanyakumari Devosom Board,
Kanyakumari District Temples,
Suchindram,
Kanyakumari District.

6.The Secretary,
Devaswom Higher Secondary School,
Mondaikadu-629 251,
Kanyakumari District.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 6th respondent school to submit proposal to the 2nd respondent CEO through the 3rd respondent DEO forthwith for approval to the appointment of the petitioner as Physical Education Teacher in the school w.e.f. 01.07.2013 in terms of the CEO's instruction in O.Mu.No.7244/Aa1/2021 dated 28.10.2021.

For Petitioner : Mr.K.Ragatheesh Kumar
M/s Isaac Chambers,



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For Respondents : Mr.M.Siddharthan – for R1 to R4
Additional Government Pleader
Mr.K.Sathiyasingh – for R5 & R6

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the 6th respondent school to submit proposal to the 2nd respondent CEO through the 3rd respondent DEO forthwith for approval to the appointment of the petitioner as Physical Education Teacher in the school w.e.f. 01.07.2013 in terms of the CEO's instruction in O.Mu.No.7244/Aa1/2021 dated 28.10.2021.

2. Heard Mr.K.Ragatheesh Kumar, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.K.Sathiyasingh, learned counsel appearing for the respondents 5 and 6.

3. The petitioner herein had given a representation on 08.09.2021 to the respondents seeking to consider his period of service in the school and approve his appointment as Physical Education



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Teacher either to the post fell vacant due to retirement of Palthurai on 31.05.2013 or at least in the post fell vacant due to the retirement of Saroja on 31.05.2019. The second respondent vide proceedings dated 28.10.2021 directed the respondents 5 and 6 to submit a proposal seeking approval of petitioner's appointment through the third respondent. As per the proceedings of the second respondent dated 28.10.2021, the petitioner has sent a representation on 09.02.2022 requesting the respondents 5 and 6 to send a proposal to the third respondent along with necessary documents for approval of the petitioner's appointment. Since the said representation has not been considered so far, the petitioner is before this Court with this Writ Petition.

4.It is to be noted that the second respondent himself has sent a proceedings to the School authorities to submit the proposal for approval of the petitioner's appointment as Physical Education Teacher. It is for the school authorities to send the proposal as per the proceedings of the second respondent.



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5. In view of the above, this Writ Petition is **disposed of**

with a direction to the 6th respondent to consider the petitioner's representation, dated 08.09.2021, in the light of the proceedings of the second respondent, dated 28.10.2021 and send a proposal to the third respondent enabling the second respondent to pass orders with regard to approval of the appointment of the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.20915 of 2022

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