



WEB COPY

WP Nos. 32797 & 32799 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP Nos. 32797 & 32799 of 2024

R.Prabhakaran
S/o.Royal (late),
No.2/200, Easwaran Kovil Street,
Mundiyampakkam, Villupuram District.

Petitioner(s)

Vs

1.The Secretary To Government,
State Of Tamil Nadu
Education Department, Secretariat,
Chennai-09.

2.The Director Of School Education
College Road,
Chennai-06.

3.The Chief Educational Officer,
Villupuram.

4.The District Educational Officer,
Thindivanam.



5. The Correspondent

Walter Scudder Higher Secondary School,
CSI-Vellore Diocese, Tindivanam,
Villupuram District-604 001.

Respondent(s)

WP No. 32799 of 2024

1. R.Prabhakaran

S/o.Royal (late),
No.2/200, Easwaran Kovil Street,
Mundiyampakkam, Villupuram District.

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Vs

1. The Secretary To Government,
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Walter Scudder Higher Secondary
School, CSI-Vellore Diocese,
Tindivanam, Villupuram District-604
001.

Respondent(s)

**WP No. 32797 of 2024****PRAYER**
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Writ petition filed under Article 226 of Constitution of India to issue a writ of certiorarified mandamus to call for the entire records connected with the impugned order passed by the third respondent *vide* O.Mu.No.2448/B3/2022 dated 03.06.2022 and quash the same and direct the third respondent to approve the appointment of the petitioner as Record Clerk with effect from 04.10.2012 with all consequential benefits on the basis of the proposal submitted by the petitioner dated 04.10.2012, in the light of the order passed in W.P.(Md).No.11481 of 2008 *etc.* batch, “Deva Asir Vs. The Secretary to Government, reported in 2016-III-LLJ.49(MAD)”.

WP No. 32799 of 2024**PRAYER**

Writ petition filed under Article 226 of Constitution of India to issue a writ of certiorarified mandamus to call for the entire records connected with impugned order passed by the fourth respondent *vide* Aa.Thi.Mu.No.490/A1/2023, dated 30.01.2023 and quash the same and direct the third respondent to approve the appointment of the petitioner as Office Assistant with effect from 01.12.2006, with all consequential benefits, in the light of the order passed in W.P.(Md).No.11481 of 2008 *etc.* batch, “Deva Asir Vs. The Secretary to Government, reported in 2016-III-LLJ.49(MAD)”.



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For Petitioner(s)
in both petitions : Mr.S.N. Ravichandran

For Respondent(s)
in both petitions : Mrs.S.Mythreye Chandru
Special Government Pleader for RR 1 to 4
Mr.P.Ganesan for R5

COMMON ORDER

The prayer sought in these writ petitions is regarding appointment and promotion of the petitioner and since the arguments were advanced in common, a common order is passed.

2. Let me take up the facts stated in W.P.No.32799 of 2024.
3. The petitioner had stated that he had been granted appointment as a Marker on 08.10.1999 on compassionate grounds owing to the death of his father, who was working as B.T. Assistant (Tamil) in the fifth respondent/school. Thereafter, a vacancy arose for the post of Office Assistant owing to the retirement of one Y.Thangaraj and by order dated 30.11.2006, the



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petitioner had been promoted to the post of Office Assistant. He joined duty on 01.12.2006. On 08.01.2007, the fifth respondent/school had forwarded a proposal for approval of appointment of the petitioner by the fourth respondent but that proposal has been returned and is still pending. The appointment of the petitioner to the post of Office Assistant has still not been regularized. In the meanwhile, another non-teaching staff in the fifth respondent/school viz. S.Jebaraj Kirubasekaran, who was working as a Record Clerk had been promoted, by order dated 03.10.2012, to the post of Junior Assistant. Therefore, the post of Record Clerk fell vacant. Thereafter, the petitioner was considered for the post of Record Clerk. Seeking confirmation of the same, W.P.No.32797 of 2024 has been filed.

4. The learned counsel for the petitioner placed reliance on the fact that appointment of S.Jebaraj Kirubasekaran had been approved and since the post of Record Clerk is a sanctioned post, the petitioner should be considered to be promoted to that particular post. But, the appointment of the petitioner to the post of Office Assistant has to be first regularized.



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5. The learned Special Government Pleader, on instructions, stated that the said proposal had been oscillating between the office of the fifth respondent/school and the fourth respondent and an order of approval had not been passed. As a matter of fact, the proposal had been returned by the fourth respondent on 30.01.2023.

6. At any rate, an obligation is placed on the fourth and fifth respondents to ensure that the proposal is forwarded and addressed in appropriate manner, since only then, could the services of the petitioner be regularized and approval be granted for his appointment as Office Assistant. Thereafter, the fifth respondent/school may consider and promote the petitioner to the post of Record Clerk and forward such proposal to the fourth respondent.

7. A direction is given that both the fourth and fifth respondents should ensure that the requisite papers are in order for grant of approval of the petitioner to the post of Office Assistant in the fifth respondent/school. This exercise must be completed within a period of three months from the date of



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receipt of a copy of this order. It places an obligation on the fifth respondent/school to place the papers in order, forward the same to the fourth respondent and it places an obligation on the third respondent to ensure that necessary approval is granted if the papers are in order. The respondents may keep in mind the fact that the petitioner had been rendering service without his employment being regularized on and from 08.10.1999 and therefore, some consideration has to be extended for the long period rendered granting approval for his appointment as Office Assistant in the first instance and later promotion as Record Clerk.

In light of the above, the impugned order passed by the fourth respondent *vide* Aa.Thi.Mu.No.490/A1/2023, dated 30.01.2023 and the impugned order passed by the third respondent *vide* O.Mu.No.2448/B3/2022 dated 03.06.2022 are both set aside. These writ petitions stand disposed of with the aforesaid directions issued. No costs.

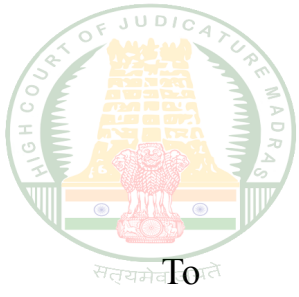
15-04-2025

nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes; Neutral Citation: Yes/No



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C.V.KARTHIKEYAN J.

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