



W.P.(MD)No.10542 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.10542 of 2025

and

W.M.P.(MD).No.7873 of 2025

Shree Visalakshi Kalasalai Higher Secondary School,
A.Thekkur Village, Thirupathur Taluk,
Sivagangai District Rep.
by its Secretary T.S.Sethu.

... Petitioner

Vs.

1. The Director of School Education,
Office of the Director of School Education,
D.P.I.Complex, College Road, Chennai-600 006.

2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai District.

3. The District Educational Officer (Secondary Grade),
Office of the District Educational Officer,
Sivagangai, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to approve the appointment of Tmt.Rajeswari as an Office Assistant in the petitioner's School from the date of her appointment on 28.10.2024F.N with all attendant and monetary benefits.



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For Petitioner : Mr.K.Muthumalai

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and carefully perused the materials available on record.

2. The petitioner school, after getting prior permission from the second respondent school, have issued a notification to fill up the post of Office Assistant calling for applications from the eligible candidates under the Open Category. One Mrs.Rajeshwari, was selected and appointed as Office Assistant on 28.10.2024. Till then she has been working in the said post. But, she has not paid salary so far. The petitioner school sent a proposal for the approval of the appointment of Mrs.Rajeshwarai as Office Assistant to the second and third respondents by enclosing all necessary documents. But, the said proposal has not been considered so far. Aggrieved by the in action of the second and third respondents, the present writ petition is filed.

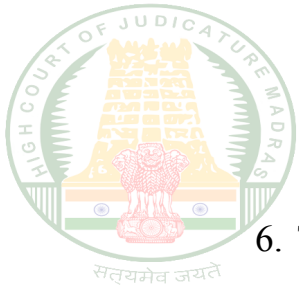


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WEB COP 3. The learned Counsel for the petitioner submits that the petitioner school has been sanctioned with one post of Office Assistant and the said vacancy was filled up by appointing One Mrs.Rajeshwari by following the procedures and after obtaining prior permission from the second respondent. Though, the proposal was submitted on 20.12.2024 with all requisite documents seeking for approval of her appointment. But, till now, no approval is granted by the respondent Nos.2 and 3 which is illegal, arbitrary and unjust.

4. The learned Government Advocate appearing for the respondents on instructions would submit that the post of Office Assistant in the petitioner school for which approval is sought is not a sanctioned post and as such the petitioner school is not entitled for granting approval for the non sanctioned post.

5. Considering the facts and circumstances and upon hearing the both sides it appears that the proposal sent by the petitioner school on 20.12.2024 is pending with the second respondent.



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6. Though, the contention of the learned Government Advocate is true, that the Office Assistant post in the petitioner school is not a sanctioned post, the second respondent can't keep the proposal pending with him for several months. Once, the second respondent received proposal from the petitioner, he has to consider it and pass appropriate orders in accordance with law. Keeping that proposal pending for unreasonable period is not acceptable.

7. In view of the same, this writ petition is disposed of with the following directions:

i) The second respondent shall consider the proposal sent by the petitioner on 20.12.2024 and pass appropriate orders in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

No costs.

Consequently, connected miscellaneous petition is closed.

21.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn

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BATTU DEVANAND, J.

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