



W.P.(MD).No.11311 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.11311 of 2019

and

W.M.P.(MD).No.8631 of 2019

M.Gopalan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. 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,
Kuzhithurai, Kanyakumari District.
- 5.The Correspondent,
St.Joseph's Higher Secondary School,
Vizhuthayambalam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to approve the appointment of petitioner's service as Junior Assistant in the 5th respondent



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School, namely, St. Joseph's Higher Secondary School, Vizhuthayambalam, Kanyakumari District, with all attendant service benefits including the arrears of salary and allowance, during the period between 01.09.1984 to 31.05.1991, in terms of the Orders of the Division Bench of this Court dated 24.03.2008 in W.A.Nos.1329 of 2000, etc., batch, more particularly in W.P.No.3655 of 1987.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Issac Chambers

For R-1 to R-4 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed for Mandamus to direct the respondents to approve the appointment of petitioner's service as Junior Assistant in the 5th respondent School with all attendant service benefits including the arrears of salary and allowance, during the period between 01.09.1984 to 31.05.1991, in terms of the Division Bench of this Court dated 24.03.2008 in W.A.Nos.1329 of 2000, etc., batch, more particularly in W.P.No.3655 of 1987.

2. The petitioner was appointed as a Junior Assistant in the fifth respondent School on 02.06.1982. The fifth respondent School is a minority institution and the School was awaiting sanction of the post for the purpose of getting grant from the Government. Earlier, there were several litigations



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seeking sanction for the post and temporary arrangements were also made for the School. In this regard, reliance was placed on G.O.(Ms)No.950, Education Department, dated 31.07.1989, wherein, the Government has accorded temporary sanction for certain posts, which were found in the annexure of the Government Order. According to the petitioner, he is entitled for receiving salary from 01.09.1984 from the Government.

4. The learned counsel for the petitioner substantiated the claim of the petitioner by stating that the School had already obtained order in his favour in W.P.No.3655 of 1987 dated 24.03.2008 and this order has not yet been implemented and they have also filed several Writ Petitions for implementation of the same. It is also stated that for the purpose of implementation of the said order, Contempt Petition has also been filed and the same is pending.

5. Heard the learned Additional Government Pleader appearing for the respondents 1 to 4.

6. I have gone through the prayer made in the Writ Petition. I am of the view that since the petitioner has sent a representation dated 09.08.2018 and the same is pending before the third respondent, it would be appropriate to direct



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the third respondent to consider the said representation by taking note of the various judicial orders passed by this Court and pass appropriate orders on merits. This Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. Accordingly, the Writ Petition stands disposed of with direction to the third respondent to consider the petitioner's representation dated 09.08.2018 and pass appropriate orders on merits and in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

1. The Secretary,
Department of School Education,
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2. The Director of School Education,
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3. The Chief Educational Officer,
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4. The District Educational Officer,
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K.RAJASEKAR,J.

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