

W.P.(MD)No.13250 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.13250 of 2025

and

W.M.P(MD)No.9482 of 2025

S.Sathiya Subi

... Petitioner

Vs.

- 1.The Director of School Education,
College Road, Chennai - 600 006.
- 2.The Chief Education Officer,
Kanyakumari District at Nagercoil - 629 001.
- 3.The District Educational Officer (Secondary),
Marthandam - 629 165,
Kanyakumari District.
- 4.The Correspondent,
LMS Higher Secondary School,
Kadamalikuntu - 629 166.
Kanyakumari District.
- 5.The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71A, Dennis Street,
Nagercoil - 629 001.

... 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



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appointment of petitioner as Night Watchman in the fourth respondent school namely, LMS Higher Secondary School, Kadamalikuntu, Kanyakumari District w.e.f. 26.09.2024, and disburse grant-in-aid towards his salary.

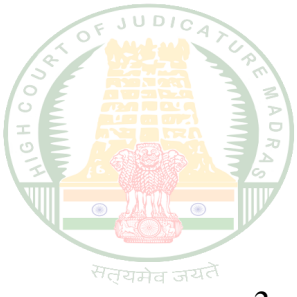
For Petitioner : Mr.S.Xavier Rajini

For R1 to R3 : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 3 and perused the materials available on record.

2. The petitioner was appointed as Night Watchman in the fourth respondent school on 26.09.2024 in the vacancy caused due to retirement of then incumbent Mr.C.Sundar Raj on 30.04.2023. The School submitted proposal to the respondents 2 and 3 in the Month of October 2024 requesting to approve the appointment of the petitioner and to disburse grant in aid towards his salary. The same is pending with the respondents 2 and 3 till then. Aggrieved by the inaction of the respondents 2 and 3 in considering the proposal sent by the fourth respondent school, the present writ petition is filed.



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3. The learned counsel for the petitioner submits that the petitioner submitted a representation on 12.12.2024, 07.01.2025 and 19.02.2025 to the respondents 2 and 3 requesting to approve the appointment of the petitioner in the fourth respondent school by considering the proposal sent by the fourth respondent school. The said representations were not considered so far.

4. The learned Government Advocate appearing for the respondents 1 to 3, on instructions, submits that the proposal sent by the fourth respondent school is pending with the third respondent. The same has to be forwarded to the second respondent for passing appropriate orders in accordance with law.

5. In view of the above facts, it is clear that the fourth respondent school sent proposal in the month of October 2024 seeking approval for appointment of the petitioner as Night Watchman in their school. But the third respondent without forwarding the same to the second respondent kept pending the said proposal with him for more than six months, which is not acceptable.



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6. In view of the above, this writ petition is allowed with the following

directions:

(i) The third respondent shall forward the proposal sent by the fourth respondent school in the month of October 2024 for approval of the appointment of the petitioner to the second respondent forthwith

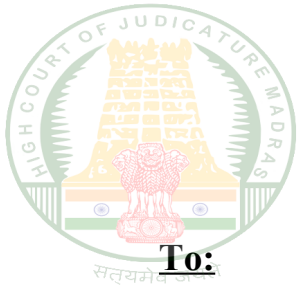
(ii) On receipt of the same, the second respondent shall pass appropriate orders in accordance with law on the proposal sent by the fourth respondent school within a period of four weeks thereafter and disburse grant in aid towards his salary.

No costs.

Consequently, the connected miscellaneous petition is closed.

30.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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BATTU DEVANAND, J.

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