

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM

THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

WP. No.22541 of 2017

and

WMP. Nos.23669 & 23670 of 2017

Mr.P.Aldrin Selvapandiayan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St. George, Chennai -9.
- 2.The Director of School Education,
DPI campus, College Road,
Chennai -6.
- 3.The Chief Educational Officer,
Cuddalore, Cuddalore District.
- 4.The District Educational Officer,
Viruddhachalam 606 001.
- 5.The Correspondent,
Danish Mission Hr Sec. School,
PuduKuppam,
Virdhachalam 606 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of 4th respondent in Na.Ka.No.3812/A3/2016-4 dated 08.02.2017 quash the same to the limited extent of declaring one post of B.T. Assistant as Surplus, consequently direct the respondents approve the appointment of the petitioner and to extend all benefits both service and monetary thereto.

For Petitioner : Ms.T.Dharani

For Respondents: Mr.P.Raja
Government Advocate (Education)
for R1 to R4
Ms.G.Saranya for R5

ORDER

The Writ Petitioner challenges an order dated 08.02.2017 passed by the District Educational Officer/4th respondent and a consequential direction to the respondents to approve his appointment and to extend all consequential service benefits.

2. Heard Ms.T.Dharani, learned counsel for the petitioner, Mr.Raja, learned Government Advocate for the official respondents, that is R1 to R4, and Ms.G.Saranya, learned counsel for the Correspondent, Danish Mission Higher Secondary School arrayed as R5.

3. Without going into the controversy raised in the present case reference may be made to memo filed by the 5th respondent to the following effect:

'1.The 5th respondent submits that the writ petitioner has filed the above writ petition before this Hon'ble Court to issue a Writ of Certiorarified Mandamus call for the impugned proceedings of the 4th respondent in Na.Ka.No.3812/A3/2016-4 dated 08.02.2017 and quash the same to the limited extent of declaring one post of B.T. Assistant as surplus and also seeking other consequential relief to direct the respondents to approve the appointment of the petitioner herein.

2. The 5th respondent submits that due to the retirement of one Ms.Vinoliya Rajakumari from the post of B.T.Assistant (English) there was a vacancy in the 5th respondent school for the post of B.T. Assistant (English). As per proceedings of the Secretary, Church Board of the Arcot Lutheran Church vide in S/201/2016-2019 dated 14.11.2016, the Writ Petitioner was appointed as B.T. Assistant (English) with effect from the forenoon of 16.11.2016 and proceedings of Secretary, Church Board of the Arcot Lutheran Church vide in S/201/2016-2019 dated 14.11.2016 was properly communicated to the 3rd and 4th respondent. Pursuant to the above proceedings the writ petitioner has joined duty in the 5th respondent school as B.T. Assistant (English) in the forenoon of 16.11.2016. It is pertinent to note that the Writ petitioner is working in the 5th respondent school without getting any salary from the date

of appointment to till date.

3. The 5th respondent submits that during pendency of the above writ petition one D.Chandra Secondary Grade Teacher was retired from the 5th respondent school with effect from 31.05.2018 and due to her retirement, there is a vacancy of secondary Grade Teacher in the 5th respondent school and the same is kept vacant. Further the 5th respondent has no objection in accommodating the petitioner in the vacant post of Secondary Grade teacher in the 5th respondent school and also undertakes to take all necessary steps for regularizing the service of the petitioner before the concerned authorities.

4. In the light of the memo wherein the 5th respondent has expressed consent in accommodating the petitioner in the post of Secondary Grade Teacher and undertakes to take all necessary steps for regularising his service, nothing further survives in this Writ petition per se. The memo filed by the 5th respondent is recorded.

5. The petitioner shall take charge with immediate effect. Necessary orders for regularising his appointment shall be passed by the 5th respondent within a period of one (1) week from the date on which the petitioner joins the post.

6. Recording the aforesaid, this Writ Petition is disposed of. Connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rkp

To:

1.The Secretary, Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai -9.

2.The Director of School Education,
DPI campus, College Road,
Chennai -6.

3.The Chief Educational Officer,
Cuddalore, Cuddalore District.

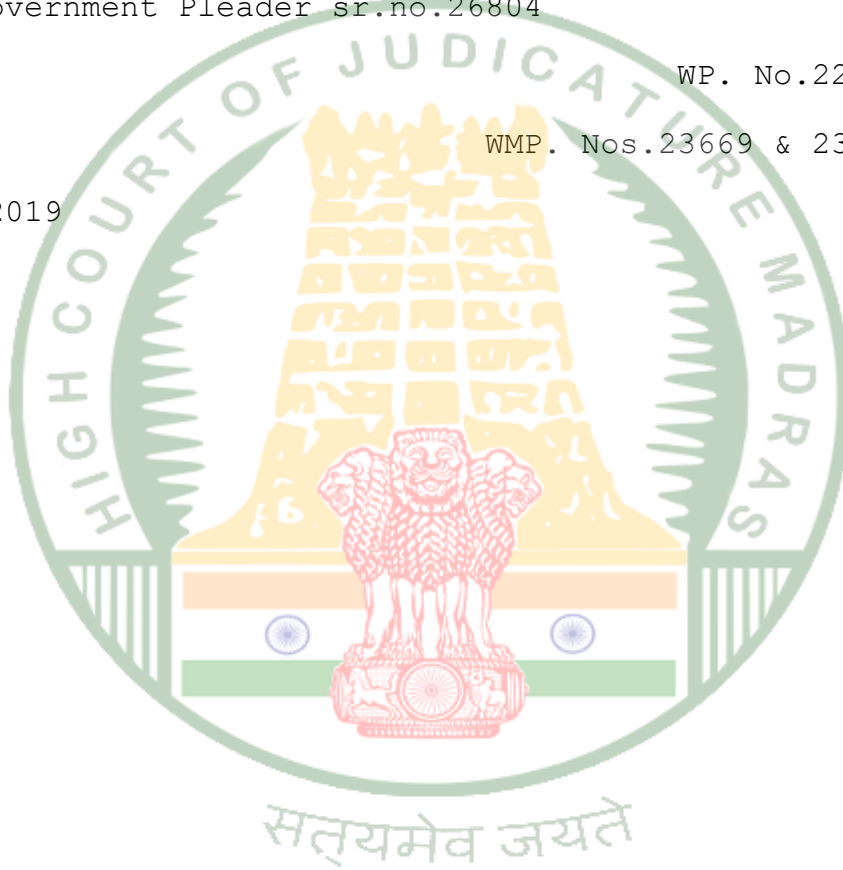
4.The District Educational Officer,
Viruddhachalam 606 001.

+1cc to Ms.T.Dharani, Advocate sr.no.26250

+1cc to Government Pleader sr.no.26804

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nr 29/04/2019



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