

(2014) 07 MAD CK 0249

In the Madras High Court

Case No : W.P. (MD). No. 11448 of 2010 and M.P. (MD). Nos. 1 and 2 of 2010

Anthony Ammal

APPELLANT

Vs

The District Educational Officer

RESPONDENT

Date of Decision : 15-07-2014

Acts Referred:

Citation : (2014) 07 MAD CK 0249

Hon'ble Judges : S. Nagamuthu, J

Bench : Single Bench

Judgement

S. Nagamuthu, J.—The second respondent is a minority private Higher Secondary School. As against the vacancy for the post of Crafting Instructor (Weaving Instructor), the petitioner was appointed by the Management with effect from 01.04.2010.

Thereafter, the second respondent submitted a proposal to the first respondent for approval of appointment of the petitioner as Vocational Instructor. But the first respondent, by his Proceedings in O. Mu. No. 5943/A3/2010 dated 23.08.2010, declined to approve the appointment of the petitioner on the ground that the School had been under direct payment of the Educational Department. The said order is challenged in this writ petition.

2. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the records carefully.

3. The learned counsel for the petitioner would mainly contend that payment being made directly by the Educational Department to the staff, is no bar for approving the appointment of the petitioner. Apart from that, the learned counsel for the petitioner further submitted that the order bringing the school under direct payment was challenged by the Management in W.P. (MD) No. 7918 of 2010, wherein in M.P. (MD) No. 2 of 2010, this Court granted interim stay as early as on 28.06.2010. Thereafter, the writ petition was disposed of by a final

order dated 28.11.2011, since the District Educational Officer himself had withdrawn the Direct Payment Order, by order dated 11.01.2011. According to the petitioner, on or after 11.01.2011, there was no direct payment and therefore, the so-called reasons stated in the impugned order itself, does not subsist.

4. Having regard to the above submissions made, I am of the considered opinion that as of now, there could be no impediment for the respondents to approve the appointment of the petitioner. But in the counter filed by the first respondent, it is stated that the said post was surplus in the school. But the learned counsel for the petitioner would dispute the same. According to him, as on the date of appointment of the petitioner, there was no surplus. If that is so, in my considered opinion, the petitioner's appointment should be approved. For any reason, in future, if the post is found to be surplus, there may be an order of redeployment passed by strictly following the procedure such as station, seniority etc.

5. In view of the above, the writ petition is allowed with a direction to the first respondent to approve the appointment of the petitioner as Craft Instructor (Weaving Instructor) with effect from her date of appointment, viz. 01.04.2010 and extend all monetary and service benefits. It is further directed that such consequential order of approval shall be passed by the first respondent within a period of three months from the date of receipt of a copy of this order. It is made clear that in the event if it is found that the post is surplus in the said school, the authorities may pass appropriate order of redeployment by strictly following the procedure and the norms, such as station, seniority etc. Consequently, the connected miscellaneous petitions are closed. No costs.