

(2010) 04 MAD CK 0230

In the Madras High Court

Case No : Writ Petition (MD) No. 4841 of 2010 and M.P. (MD) No. 1 of 2010

Hameem Middle School

APPELLANT

Vs

The Director of Elementary Education, The District
Elementary Educational Officer and The Assistant Elementary
Educational Officer Palayamkottai (Urban)

RESPONDENT

Date of Decision : 20-04-2010

Acts Referred:

Citation : (2010) 04 MAD CK 0230

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : N. Dilip Kumar, for the Appellant; K.M. Vijayakumar, S.G.P., for the Respondent

Final Decision : Dismissed

Judgement

P. Jyothimani, J.—The petitioner challenges the order of the 2nd respondent dated 13.03.2010, by which the 2nd respondent has returned the proposal sent by the petitioner Management for approval of appointment of one Mrs. Jailani as Secondary Grade teacher in the vacancy, which has arisen due to the resignation of Mrs. M. Kanniammal, who has gone to Government Service on 20.07.2009.

2. It is stated that the petitioner institution appointed the said Mrs. Jailani as Secondary Grade teacher on 22.07.2009 and the impugned order came to be passed on the ground that the petitioner has already filed a writ petition in W.P. (MD) No. 13262 of 2009 and immediately after the writ petition is disposed of, the said proposal will be considered. The impugned order also shows that the proposal has been returned only for the above said reason.

3. The reason assigned in the impugned order is the pendency of the writ petition in W.P. (MD) No. 13262 of 2009 is stated to be due to the imposition of the direct payment of salary to the teachers by the educational authorities because of the dispute among the management. On the fact of it, such dispute

has nothing to do with the appointment of said Mrs. Jailani, appointed as a Secondary Grade teacher in the petitioner school.

4. In such view of the matter, there is absolutely no substance in the impugned order of the 2nd respondent in returning the proposal due to the pendency of the said writ petition which has no relevancy at all since the administration of the institution has to run smoothly, in spite of the dispute that may be pending between the various groups in the management.

5. In such view of the matter, the writ petition stands allowed and the impugned order is set aside, if the petitioner represents the entire proposal once again within a period of one week from the date of receipt of a copy of this order and the 2nd respondent shall consider the same on merits and in accordance with law and pass appropriate orders within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.