



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.07.2015

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THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD).No.11234 of 2015

R.V.Thevar Memorial Girls High School,
Cholapuram
Rajapalayam,
Virudhungar District,
rep.by its Secretary,
Mr.V.Ramar

... Petitioner

Vs

- 1.The Secretary to the Government,
Director of School Education,
Fort St.Geroge, Secretariat,
Chennai-600 009.
- 2.The Joint Director of School Education,
(Secondary), College Road, Chennai-600 006.
- 3.The District Educational Officer,
Srivilliputhur Educational District,
Srivilliputhur, Virudhungar District.

... Respondents

Prayer : This Writ Petition has been filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for entire records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.1679/A4/2013 dated 06.12.2014 and quash the same and directing the 3rd respondent to approve the appointment of Selvi V. Ramaya as Junior Assistant in the petitioner School namely R.V.Thevar Memorial Girls High School Cholapuram, Rajapalayam, Virudhunagar District with all consequential monetary benefits and salary with effect from 25.04.2014.

For petitioner	: Mr.K.K.Kannan
For respondents	: Mr.V.Muruganandham
	Addl.Govt.Pleader

ORDER

The petitioner has come forward with this Writ Petition praying for a writ of Certiorarified Mandamus to call for entire records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.1679/A4/2013 dated 06.12.2014 and quash the



same and directing the 3rd respondent to approve the appointment of Selvi V.Ramaya as Junior Assistant in the petitioner School, namely, R.V. Thevar Memorial Girls High School, Cholapuram, Rajapalayam, Virudhunagar District, with all consequential monetary benefits and salary with effect from 25.04.2014.

2. Mr.V.Muruganandham, learned Additional Government Pleader takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. The learned counsel appearing for the petitioner would submit that pursuant to the vacancy caused by smt.Vathchaladevi, when the petitioner School wants to appoint one Ramya, the respondents had rejected the claim of the petitioner School regarding approval of the said Ramya citing a letter by the Government made in 8884/D2/2011-2 dated 26.10.2015. Though the petitioner is entitled to appoint the said Ramya, as a Junior Assistant, it has not been considered by the respondents in spite of having made various representations dated 15.05.2014, 16.06.2014 on 22.07.2014. In support of his contention, he placed orders of the Court made in **W.P. (MD).Nos.2218 of 2009, 4223 of 2009 and W.A. (MD).No.391 of 2010**. Hence, he prayed this Court that appropriate orders may be passed by this Court for the relief stated supra.

5. The learned Government Advocate appearing for the respondents was put on notice.

6. A perusal of the orders relied upon by the petitioner School would reveal the fact that the claim of the petitioners therein were negatived by the respondents therein, which came to be quashed by this Court vide the orders stated supra. In one of the orders made in W.P.(MD).No.2218 of 2009, in paragraph Nos:5 and 6, it is stated as follows:-

"11. Insofar as appointment of non-teaching staff is concerned, it is covered by Rule 15 of the Tamil Nadu Recognized Private School (Regulation) Rules, 1974. Therefore, there is no specific provision under the statute to get a prior permission for making an appointment in any category of nonteaching staff. As such, the reason cited in the impugned orders are contrary to the provisions of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974.

6. Further, on this day, when the matter came up for hearing, Mr.K.Balasubramanian, learned Additional Government Pleader appearing for the respondents submitted that the issue involved in this Writ Petition is already covered by the decision of this Court reported in **2007 (4)**

MLJ 561 (A.Murugesan Vs. State of Tamil Nadu, rep.by its Secretary, Director of School Education, Chennai and others). His submission is placed on record.



As against the order made in W.P.(MD).No.2218 of 2009, the respondents went an appeal. The writ appeal preferred by the Government also dismissed by a Division Bench of this Court in W.A.(MD).No.391 of 2010 dated 27.09.2010 itself.

7. Since the issue is no longer *res integra*, there is no impediment for the respondents to pass appropriate orders on the case of the petitioner School too.

8. In the light of the above, the order impugned in this Writ Petition stands set aside and the third respondent is directed to pass appropriate orders in tune with the orders passed by this Court in W.P.(MD).Nos.2218 of 2009, 4223 of 2009 and W.A.(MD).No.391 of 2010 , on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (C.O.)

\\True copy\\

Sub Assistant Registrar

To

1.The Secretary to the Government,
Director of School Education,
Fort St.Geroge, Secretariat,
Chennai-600 009.

2.The Joint Director of School Education,
(Secondary), College Road, Chennai-600 006.

3.The District Educational Officer,
Srivilliputhur Educational District,
Srivilliputhur, Virudhungan District.

+1cc to M/s.K.K.Kannan, Advocate SR.No.36271

+1cc to The Spl.Govt.Pleader Sr.No.36212

ssm

akm/13.07.15 /3p-6c/

W.P (MD) .No.11234 of 2015
03.07.2015