

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.2494 of 2016 &

W.M.P.No.2127 of 2016

S.Mohanraj

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Education Department,
Chennai - 600 009.

2.The Director of School Education,
D.P.I.Buildings, College Road,
Chennai - 600 006.

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

4.The District Educational Officer,
Tirupattur, Vellore District.

5.The Correspondent,
Devalois Higher Secondary School,
Kasam, Katpadi, Vellore - 632 007.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent to approve the appointment of the petitioner, as Lab Assistant w.e.f. 16.07.2012 with all consequential benefits, in the fifth respondent school on the basis of the proposal of the school dated 20.07.2012.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2. According to the petitioner, the fifth respondent is a Religious Minority Higher Secondary School and is governed by the Tamil Nadu Private Schools [Regulations] Act, 1973. Petitioner has passed B.Sc [Bio Technology] in the year 2008 and eligible for the post of Lab Assistant. The fifth respondent appointed the petitioner as Lab Assistant in the vacancy of retirement of Mr.J.Jacob Thilikraj on 31.05.2012. Petitioner was appointed on 16.07.2012 and he joined the service on the same day. The petitioner would further state that the fifth respondent School submitted a proposal dated 20.07.2012 for approval of the appointment of the petitioner as Lab Assistant to the fourth respondent. Since no order has been passed, the present Writ Petition has been filed.

3. Heard the submissions of Mr.S.N.Ravichandran, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents.

4. Learned counsel appearing for the petitioner would submit that similar issue was considered by this Court in W.A.[MD] No.509 of 2009, W.A.No.1012 of 2009, W.A.No.908 of 2013 and W.A.No.1324 of 2014, in which, this Court has consistently held that for the sanctioned post, the minority institution need not seek permission for the authorities before making an appointment.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the same, directs the fourth respondent to consider the proposal sent by the fifth respondent dated 20.07.2012 for approval of the appointment of the petitioner as Lab Assistant and pass orders, on merits and in accordance with law, by taking into consideration the judgments stated supra, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

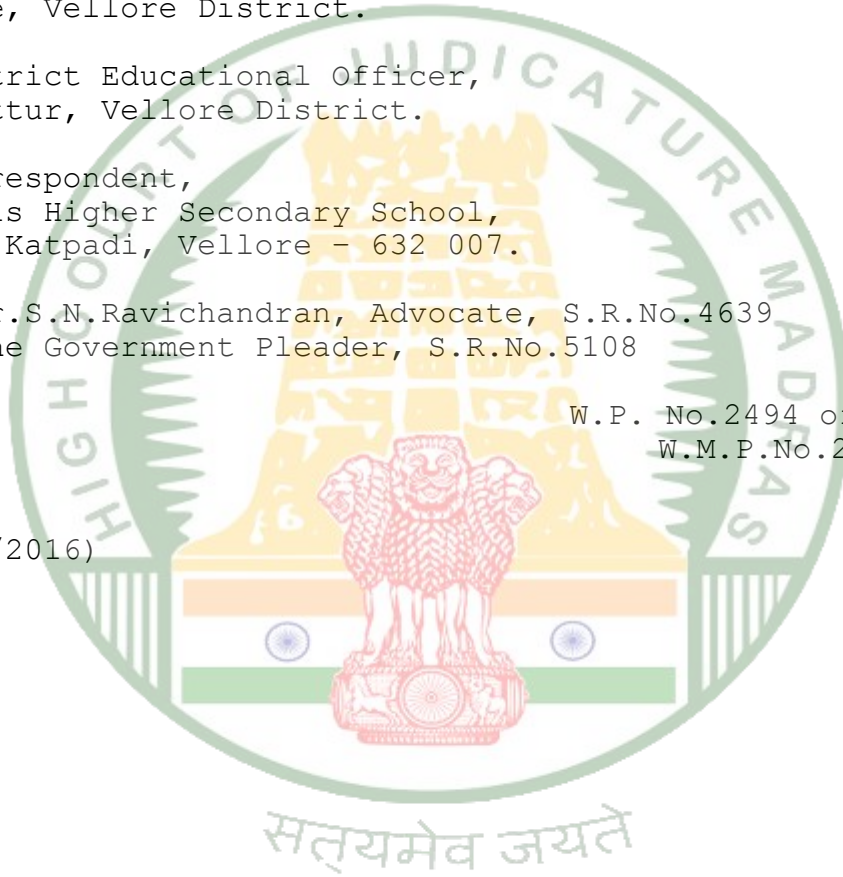
To

- 1.The Secretary to Government,
Education Department,
Chennai - 600 009.
- 2.The Director of School Education,
D.P.I.Buildings, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Vellore, Vellore District.
- 4.The District Educational Officer,
Tirupattur, Vellore District.
- 5.The Correspondent,
Devalois Higher Secondary School,
Kasam, Katpadi, Vellore - 632 007.

+lcc to Mr.S.N.Ravichandran, Advocate, S.R.No.4639
+lcc to the Government Pleader, S.R.No.5108

W.P. No.2494 of 2016 &
W.M.P.No.2127 of 2016

skv(CO)
srg(25/02/2016)



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