



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2016

CORAM:

WEB COPY THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.12031 of 2015
and
M.P (MD) No.1 of 2015

The Secretary,
Karapettai Nadar Girls
Higher Secondary School
Tuticorin, Tuticorin District.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Chief Educational Officer,
Tuticorin - 628 002,
Tuticorin District.

3.The District Educational Officer,
Tuticorin - 628 003,
Tuticorin District.

... Respondents

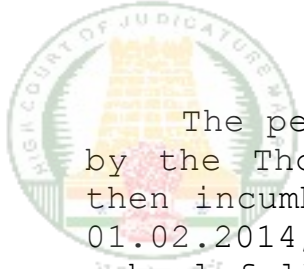
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent District Educational Officer to grant approval forthwith to the appointment of Tmt.M.Sumathi as PG Assistant in Zoology in the petitioner-school w.e.f. 03.11.2014 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.Isaac Mohanlal

For Respondents : Mr.V.Muruganandham,
Additional Government Pleader

ORDER

The Writ Petition has been filed for a Mandamus directing the third respondent District Educational Officer to grant approval forthwith to the appointment of Tmt.M.Sumathi as PG Assistant in Zoology in the petitioner-school w.e.f. 03.11.2014 with all attendant benefits including arrears of salary and allowances etc.

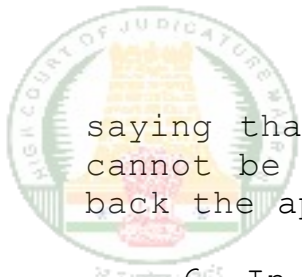


The petitioner School is a recognized aided private school run by the Thoothukudi Nadarkal Kalvi Sabai. Due to promotion of then incumbent Tmt.A.Deivasundari as Headmistress of the school on 01.02.2014, one post of PG Assistant in Zoology in the petitioner school fell vacant. Therefore, the petitioner school submitted a proposal to the second respondent Chief Educational Officer seeking permission to fill up the said Post in letter No.54/157/2013-2014, dated 21.03.2014. The Chief Educational Officer had also granted permission to fill up the said Post under General Turn category. Thereafter, the petitioner school requested the District Employment Officer to sponsor eligible candidates and also issued paper advertisement calling for eligible candidates for the said Post. Eleven candidates had submitted their application and five candidates were sponsored by the Employment Officer. After interview, the School Committee after elaborate consideration, selected one Tmt.M.Sumathi as PG Assistant in Zoology, who was fully qualified for the said Post and order of appointment was issued on 03.11.2014. The petitioner school has also submitted a proposal to the District Educational Officer for approval and for releasing the grant-in-aid salary on 08.11.2014. However, no order had been passed. It is admitted that the present appointment is made only after getting prior permission from the second respondent. The said Teacher is working without salary from the date of appointment. Therefore, the petitioner has come up with the present Writ Petition seeking a direction to the third respondent to grant approval with respect to the said Teacher M.Sumathi, who was appointed on 03.11.2014 with all attendant benefits including arrears of salary, allowances etc.

3. The third respondent has filed a counter affidavit, wherein it is stated in paragraph No.2 that by his proceedings in Na.Ka.No.2852/A3/2014, dated 17.06.2014, he cancelled the approval accorded for the extension of the secretaryship to Thiru.Kanagal, the petitioner herein. Aggrieved by the same, the petitioner has filed W.P(MD)No.11023 of 2014 before this Court and obtained an order of interim stay and the said Writ Petition is pending and by virtue of the said interim order granted, the petitioner continues to be the Secretary of the Petitioner School.

4.It is also pointed out by the learned counsel for the petitioner that when there was a dispute with respect to payment of salary to the Teachers of the School, a Peace Committee was convened on 25.03.2015, in which, the second and third respondent participated and in the said peace committee meeting, a resolution was passed in the presence of the petitioner in the capacity of Secretary and it was approved by the respondents herein.

5. In view of the same, the respondents are estopped from



saying that the application forwarded by the petitioner/Secretary cannot be approved. There is no other valid ground for holding back the approval of the said Teacher.

6. In the light of the above, the third respondent is directed to grant approval to the appointment of Tmt.M.Sumathi as P.G Assistant in Zoology in the petitioner School with effect from 03.11.2014 with all attendant benefits including arrears of salary, allowances etc, after considering the same on merits and pass suitable orders, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

**Sd/
Assistant Registrar**

/True Copy/

Sub Assistant Registrar/

To

- 1.The Director of School Education,
College Road, Chennai - 600 006.
- 2.The Chief Educational Officer,
Tuticorin - 628 002,
Tuticorin District.
- 3.The District Educational Officer,
Tuticorin - 628 003,
Tuticorin District.

+1cc to Mr.Isacc Mohanlal Advocate SR.No.13149

+1cc to Govt.Pleader in SR.No.13224

SDR:SKS-RR/15.04.2016:3P/6

W.P(MD)No.12031 of 2015
08.03.2016