



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.18411 of 2014

and

M.P(MD)No.1 of 2014

S.Siji

: Petitioner

Vs.

1. The Principal Secretary to Government,
School Education,
Chennai.

2. The Director of School Education,
Chennai.

3. The Chief Educational Officer,
Trichy.

4. The District Educational Officer,
Trichy.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned rejection vide Na.Ka.No.047393/D2/E1/2012, dated 29.08.2013, issued by the second respondent and quash the same and consequently directing the respondents 1 to 4 to approve petitioner's appointment as Lab Assistant in Girls Higher Secondary School, Srirangam, by considering the representation, dated 20.05.2013 sent by the Secretary, Girls Higher Secondary School, Srirangam, as per G.O.Ms.No.203, dated 23.07.2010, by School Education (D1) Department.

For Petitioner

: Mr.N.Mohan

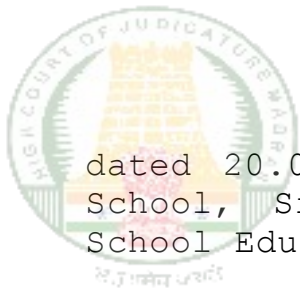
For Respondents

: Mr.T.S.Mohammed Mohideen,

Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned rejection vide Na.Ka.No.047393/D2/E1/2012, dated 29.08.2013, issued by the second respondent and quash the same and consequently directing the respondents 1 to 4 to approve petitioner's appointment as Lab Assistant in Girls Higher Secondary School, Srirangam, by considering the representation,



dated 20.05.2013 sent by the Secretary, Girls Higher Secondary School, Srirangam as per G.O.Ms.No.203, dated 23.07.2010, by School Education (D1) Department.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.0.It is the case of the petitioner that the mother of the petitioner viz., V.Rani was working as Tamil Pandit in Girls Higher Secondary School, Srirangam from 03.06.1996 to 23.03.2006 and due to ill-health, she died on 21.04.2006. The petitioner after getting consent from her brother and sister, applied for teaching post on compassionate ground.

4.1.The post of Lab Assistant in the said school fell vacant due to the promotion of the then incumbent namely, Ms.Saraswathi, in the same school on 01.07.2007. In that vacancy, the school appointed the petitioner as Lab Assistant on 02.07.2007.

4.2.The Secretary of the school sent several representations to the respondents, stating that there is only one post of Lab Assistant in the school and it is a permanent post and there are 3150 students are pursuing their studies in the school and nearly 1000 students are in Higher Secondary Classes and prayed for approval. The fourth respondent sent a communication to the Secretary asking him to get approval from the second respondent. Therefore, a representation was sent to the second respondent on 16.06.2011. But, no reply has been given. The third respondent also sent a communication to the Chief Minister Special Cell and to the second respondent on 18.08.2011. Since, no action has been taken, the Secretary of the School sent another representation on 19.05.2012. At last, the fourth respondent issued a communication in December, 2012, rejecting the claim. Consequently, the second respondent also rejected the claim vide communication dated 29.08.2013 without perusing G.O.No.203, dated 23.10.2010. Therefore, the petitioner has come up with the present petition.

5.The fourth respondent filed a counter affidavit, denying all the averments made in the petition. It is also stated in the counter that the Girls Higher Secondary School, Srirangam, Trichy District is a private aided school and the said school is not entitled to fill up any non-teaching post including the Lab Assistant without getting prior approval or sanction from the Government.



6.The learned counsel appearing for the petitioner would submit that the issue involved in the writ petition has already been decided by this Court in Writ Petitions in WP(MD)Nos.10233 to 10235 of 2016 dated 22.06.2016.

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7.The learned Additional Government Pleader has not disputed the above said submission made by the learned counsel for the petitioner.

8.Therefore, in the light of the orders passed in WP(MD) Nos.10233 to 10235 of 2016, dated 22.06.2016, the writ petition is allowed setting aside the impugned order passed by the second respondent, dated 29.08.2013. Consequently, the respondents are directed to approve the appointment of non teaching staff in the petitioner's school and to sanction grant, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
School Education, Chennai.
2. The Director of School Education, Chennai.
3. The Chief Educational Officer, Trichy.
4. The District Educational Officer, Trichy.

+1cc to M/S.N.Mohan, Advocate in SR.No.54534.

+1cc to Special Government Pleader,in SR.No.54721

ORDER MADE IN
W.P (MD) No.18411 of 2014
and M.P (MD) No.1 of 2014
21.09.2016

smn/msm/gsv-pm/sar3/25.10.16/p3/7c