



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.17244 & 17245 of 2016

WEB COPY

D.John Bernadettes .. Petitioner in WP(MD)No.17244/2016

F.Charles Mary .. Petitioner in WP(MD)No.17245/2016

-vs-

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.

2.The Director of School Education,
College road, Chennai.

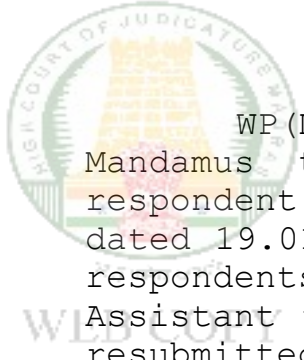
3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District. .. Respondents 1 to 4 in both WPs.

5.The Correspondent,
St.Bernadette's Higher Secondary School,
Mangalakintu - 629 178,
Kanyakumari District.
.. 5th Respondent in WP(MD)No.17244/2016

5.The Correspondent
St.Aloysius Higher Secondary School.
Marthandanthurai,
Kollemcode Post,
Kanyakumari District
.. 5th Respondent in WP(MD)No.17245/2016

WP(MD)No.17244/2016 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the files of the 4th respondent pertaining to its order bearing Na.Ka.No.5083/A2/2016 dated 24.08.2016 and quash the same and consequently direct the respondent to regularize the service of the petitioner as Lab Assistant with effect from 22.07.2016 and to disburse all the monetary benefits consequent to the same.



WP(MD)No.17245/2016 filed to issue a Writ of Certiorari Mandamus to call for the records of the files of the 4th respondent pertaining to its order bearing Na.Ka.No.6403/A2/2014 dated 19.01.2015 and to quash the same and consequently direct the respondents to regularize the service of the petitioner as Lab Assistant with effect from 07.10.2014 by considering the proposal resubmitted on 17.06.2016 and to disburse all the monetary benefits consequent to the same.

For Petitioner : Mr.S.C.Herold Singh
 For Respondents : Mrs.S.Bharathi,
 (in both WPs.) Government Advocate
 For R - 5 : No appearance

COMMON ORDER

These Writ Petitions have been filed to quash the orders passed by the fourth respondent dated 24.08.2016 and 19.01.2015 respectively and consequently direct the respondents to regularize the service of the petitioners as Lab Assistants with effect from 22.07.2016 and 07.10.2014 respectively.

2.Heard Mr.S.C.Herold Singh, learned counsel for the petitioners and Mrs.S.Bharathi, learned Government Advocate who takes notice for the respondents 1 to 4. By consent, the writ petitions are taken up for final disposal at the admission stage.

3.The case of the petitioners is that the petitioners were appointed as Lab Assistants in the fifth respondent school. The fifth respondent has sent a proposal to the fourth respondent to approve the appointment of the petitioners. But the fifth respondent has returned the proposals directing to resubmit the same along with certain particulars and documents. According to the petitioners, as per Tamil Nadu Recognized Private Schools (Regulation Act), no prior permission is required to fill up the post of Lab Assistant.

4.When the matters are taken up for hearing, the learned counsel appearing for the petitioners would submit that the issue involved in the writ petitions has already been decided by this Court in Writ Petitions in WP(MD)Nos.10233 to 10235 of 2016 dated 22.06.2016.

5.The learned Government Advocate has not disputed the above said submission made by the learned counsel for the



6. Therefore, in the light of the orders passed in WP(MD) Nos.10233 to 10235 of 2016, dated 22.06.2016, the writ petitions are allowed setting aside the orders passed by the fourth respondent dated 24.08.2016 and 19.01.2015. Consequently, the respondents are directed to approve the appointments of non teaching staff in the private aided schools and to sanction grant, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD)Nos.12509 and 12510 of 2016 are closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 9.
- 2.The Director of School Education,
College road, Chennai.
- 3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

+2ccs to Mr.S.C.Herold Singh, Advocate, SR.Nos.51661 and 51662

+One cc to The Special Government Pleader, SR.No.51953

mj

RL/8C/3P/SK/SKN/26/9/2016

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12/09/2016