



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.17636 of 2016

and W.M.P.(MD) No.12737 of 2016

M.Samvel Vetri

... Petitioner

vs.

- 1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
St. Fort George,
Chennai - 9.
- 2.The Director of School Education,
College Road,
Chennai-6.
- 3.The District Educational Officer,
Tenkasi.
- 4.The Correspondent,
BarenBruck Higher Secondary School,
Bangalowsurandai,
V.K.Pudur (Taluk),
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of order passed by 3rd respondent in O.Mu.No.5770/A2/2015 dated 19.08.2016 and to quashing the same and consequently directing the 3rd respondent to approve the appointment of the petitioner from 13.10.2015 and further to direct the respondents to disburse all service and monitory benefits to the petitioner from 13.10.2015.

For Petitioner

: Mr.S.Chellapandian

For Respondents 1 to 3

: Mr.S.Kumar,

Additional Government Pleader

ORDER

This writ petition has been filed seeking to quash the proceedings dated 19.08.2016 of the 3rd respondent and for a consequential direction to approve the appointment of the petitioner as Office Assistant from the date of his appointment, 13.10.2015 with consequential benefits.



2.The petitioner was appointed as Office Assistant on 13.05.2014 in the 4th respondent school. The 4th respondent sent the proposal for his appointment to the 3rd respondent on 15.10.2015. The 3rd respondent rejected the proposal on 19.08.2016 on the ground that there is no rule permitting the approval of the appointment of the petitioner. This order is under challenge in this writ petition.

3.The learned counsel for the petitioner relied upon a decision of this Court in **W.P (MD) No.11577 of 2016, dated 04.07.2016**, in which it has been held that while filling up a sanctioned post in any minority or non-minority educational institution, whether teaching or non-teaching staff, no doubt, approval from the Education Department is *sine qua non* to fill up the said post, but prior permission is not required. In the said decision, in paragraph 5 it has been held as under:-

'5. It is hereby mentioned that to fill up a sanctioned post in any minority or non-minority educational institution, whether teaching or non-teaching staff, no doubt, approval from the Education Department is sine qua non to fill up the said post, but prior permission is not required. Therefore, appointment of the petitioner in the Post of Junior Assistant on 24.04.2016 in the fourth respondent school has to be approved by the third respondent since he was appointed in a sanctioned post.'

4.In view of the above order passed by this Court in respect of a similarly placed person, the appointment of the petitioner has to be approved.

5.Accordingly, the order passed by the 3rd respondent rejecting the proposal sent by the 4th respondent school is hereby set aside and the 3rd respondent is directed to grant approval for the appointment of the petitioner as Office Attendant from the date of his appointment, namely, 13.10.2016 in the 4th respondent school, with consequential benefits within a period of four weeks from the date of receipt of a copy of this order.

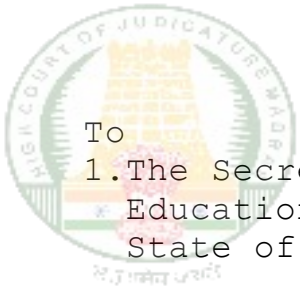
Accordingly, this writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar



To

1.The Secretary to Government,
Education Department,
State of Tamil Nadu, St. Fort George, Chennai - 9.

2.The Director of School Education,
College Road, Chennai-6.

3.The District Educational Officer,
Tenkasi.

+1 CC to Mr.S.CHELLAPANDIAN, Advocate, SR No.53234

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.53905

W.P (MD) No.17636 of 2016
19.09.2016

sj

SH/SKS-RR:03.11.2016:3P/6C