



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.17637 of 2016
and W.M.P. (MD) No.12738 of 2016

G.Mahendran David

... Petitioner

vs.

- 1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
St. Fort George, Chennai - 9.
- 2.The Director,
Teacher's Education Research and Training,
Chennai.
- 3.The Principal,
District Teachers Education and Training Institute,
Munanjipatti,
Tirunelveli District.
- 4.The Correspondent,
Sarahtucker Teacher Training Institute,
Palayamkottai,
Tirunelveli.

... 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 Na.Ka.No.890/E/2014 dated 14.08.2014 and consequential order passed in Na.Ka.No.979/E/2013 dated 04.12.2015 and to quash the same and consequently direct the 3rd respondent to approve the appointment of the petitioner as Office Assistant at 4th respondent and disburse all the service and monetary benefits from 17.07.2013 in accordance with the provisions of Tamil Nadu Private School Regulation Act and Rules.

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 14.08.2014 and 04.12.2015 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, 17.07.2013 with consequential benefits.

2.The petitioner was appointed as Office Assistant on 17.07.2013 in the 4th respondent school. The 4th respondent sent the proposal for his appointment to the 3rd respondent on 02.08.2013. The 3rd respondent rejected the proposal on 02.08.2013 on the ground that no prior permission has been obtained from the 3rd respondent for 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 orders 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, 17.07.2013 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 (CS-II)

/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,
Teacher's Education Research and Training, Chennai.

3.The Principal,
District Teachers Education and Training Institute,
Munanjipatti, Tirunelveli District.

+1 cc to M/s.S.Chellapandian, Advocate in SR.No.53235
+1 cc to The Special Government Pleader in SR.No. 53924

sj

CSL/SS-2/04.11.2016: 3P/6C

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