



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD)No.19814 of 2016

and

W.M.P(MD)Nos.14307 and 14308 of 2016

The Correspondent,
Little Flower Girls' Higher Secondary School,
Ramanputhur,
Nagercoil - 629 004,
Kanyakumari District.

.. Petitioner

-vs-

- 1.The Director of School Education,
College road, Chennai.
- 2.The Chief Educational Officer,
Nagercoil - 629 001.
Kanyakumari District.
- 3.The District Educational Officer,
Nagercoil - 629 001.
Kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 3rd respondent District Education Officer, vide Na.Ka.No.8103/A4/2015 dated 05.01.2015 undersigned on 11.01.2016, quash the same and further direct the 3rd respondent District Educational Officer herein to approve forthwith the appointment of Tmt.S.Chandra Kala as Lab Assistant in the petitioner school w.e.f. 04.05.2015 with all attendant benefits including the arrears of salary and allowance.

For Petitioner	: Mr.T.Cibi Chakraborty
For Respondents	: Mr.T.S.Mohammed Mohideen, Addl. Govt. Pleader.

O R D E R

This Writ Petition has been filed to quash the orders passed by the third respondent dated 05.01.2015 and consequently direct the third respondent to approve forthwith the appointment of Tmt.S.Chandra Kala as Lab Assistant in the petitioner's school with effect from 04.05.2015.

2.Heard Mr.T.Cibi Chakraborty, learned counsel for the petitioners and Mr.T.S.Mohammed Mohideen, Additional Government Pleader who takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage.



3.The case of the petitioner is that the petitioner appointed Mr.S.Chandra Kala as Lab Assistant in their school. The petitioner has sent a proposal to the third respondent to approve the appointment of the said Mrs.S.Chandra Kala as Lab Assistant. But, the third respondent has returned the proposals directing to resubmit the same along with certain particulars and documents. According to the petitioner, 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 matter is taken up for hearing, 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.

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

6.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 orders passed by the third respondent, dated 05.01.2015, which is undersigned on 11.01.2016. 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(AE)

/True Copy/

Sub Assistant Registrar

To

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

2.The Chief Educational Officer,
Nagercoil - 629 001.
Kanyakumari District.

3.The District Educational Officer,
Nagercoil - 629 001.
Kanyakumari District.

+1 cc to Mr.T.Cibi Chakraborty, Advocate in SR No.61804

+1 cc to the Spl.Govt.Pleader in SR No.61408

ORDER MADE IN
W.P(MD)No.19814 of 2016
and

W.M.P(MD)Nos.14307 and 14308 of 2016
18.10.2016