



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA**W.P(MD)No.22750 of 2016**

WEB COPY

Karpurasundarapandian Ramalakshmi
Higher Secondary School,
Thirupathur Road, Sivagangai,
rep. by its Secretary K.Rajsekar.

: Petitioner

Vs.

The District Education Officer,
Sivagangai District,
Sivagangai.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling the records relating to the proceedings of the respondent made in Na.Ka.No.1751/A5/2016, dated 04.08.2016 and quash the same and consequently direct the respondent to approve the appointment made by the petitioner school to the post of Part Time Sweeper.

For Petitioner : Mr.K.Govindarajan
for Mr.R.Murali

For Respondent : Mr.M.Murugan,
Government Advocate.

O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus praying to quash the impugned proceedings of the respondent dated 04.08.2016 and consequently to direct the respondent to approve the appointment made by the petitioner school to the post of Part Time Sweeper.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

3.0.The brief facts leading to the filing of this writ petition are as follows:

The petitioner school is an aided school, functioning in a backward area. The High School was started in the year 1966 and the aid in grant was provided by the Government, by the proceedings, dated 20.06.1966. The Chief Educational Officer, by the proceedings, dated 03.11.2015, has fixed the staff strength of the school, which includes both the teaching and non-teaching staff.

<https://hcservices.courts.gov.in/hcservices/>

3.1.As per fixation of staff strength in respect of non-teaching staff, the following posts have been sanctioned:

- | | |
|--------------------|----------|
| 1.Junior Assistant | : 1 Post |
| 2.Record Clerk | : 1 Post |
| 3.Office Assistant | : 1 Post |



- 4.Watchman : 1 Post
5.Sweeper (Part time) : 1 Post
6.Waterman (Part time) : 1 Post.

In order to fill up the sanctioned posts, the respondents were insisting upon the prior permission from the higher authorities, as a precondition before filling up the posts. The issue came up before this Court in W.P(MD)No.11481 of 2008 and this Court after having elaborate discussion, has decided the issue finally holding that there is no necessity for prior permission to fill up the sanctioned posts.

3.2.In the petitioner school, the post of Part Time Sweeper became vacant from 01.05.2015 due to the retirement of one M.Raman, who worked in the sanctioned post of Sweeper. After conducting interview on 21.05.2016, selection has been made, in which one Muniasamy, was selected and got appointed. This appointment was approved by the School Committee Meeting, held on 21.05.2016. The said person also joined duty on 23.05.2016.

3.3.The petitioner school wanted approval of the appointment and Government aid and sent necessary proposal to the respondent. After receiving the proposal, the respondent has returned the same on the ground that no Government Order is enclosed permitting the petitioner school to fill up the post. Challenging the deemed refusal/returning of the proposal papers, this writ petition has been filed.

4.The learned counsel for the petitioner would submit that all the documents are enclosed along with the proposal dated 29.06.2016 and those papers have not been appropriately considered by the respondent. It is also pointed out that already the Chief Educational Officer, Sivagangai has fixed the staff strength of the school and that is not taken care of by the respondent and inadvertently all the papers have been returned. However, there is an undertaking on the part of the petitioner that all the documents, which are required by the respondent, will be furnished, while representing the papers.

5.The learned Government Advocate would submit that it is agreeable for the respondent to consider the proposal to be resubmitted by the petitioner.

6.Under such circumstances, the impugned order passed by the respondent dated 04.08.2016 is set aside and the petitioner is directed to represent the proposal along with necessary documents to the respondent within a period of one week from the date of receipt of a copy of this order and on receiving the proposal, the respondent, without returning the papers, shall consider the proposal in proper perspective and to pass a reasoned order within a period of four weeks thereafter.

7.The writ petition is allowed on the above terms. No costs.

Sd/-

Assistant Registrar (CS-I)



To

The District Education Officer,
Sivagangai District,
Sivagangai.

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:74214

smn

sva/cm/msa/01.02.2017/3p/3c

ORDER MADE IN
W.P (MD) No.22750 of 2016
29.11.2016 (2/5)