



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2016

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. (MD) No.7996 of 2016

and

W.M.P. (MD) .No.6550 of 2016

M.David Nalliah

.. Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.
2. The Director of School Education,
DPI, Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Madurai, Madurai District.
4. The District Educational Officer,
Madurai, Madurai - 627 001.
5. The Correspondent,
D.M.&R. Girls Higher Secondary School,
No.14, North Masi Street,
Madurai - 625 001,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to approve the appointment of the petitioner in the post of Record Clerk in the 5th respondent school from the date of appointment on 22.03.2013 by passing appropriate orders on the proposal submitted by the 5th respondent dated 14.06.2013, with all consequential attendant benefits, including arrears of salary with interest, within a time frame.



For Petitioner ... Mr.G.Sanakaran
For respondents 1 to 4 ... Mr.Aairam K.Selvakumar,
Government Advocate

WEB COPY

ORDER

Mr.Aairam K.Selvakumar, learned Government Advocate, takes notice for the respondents 1 to 4. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4. In view of the order that is going to be passed in this writ petition, this Court is of the view that notice need not be sent to the 5th respondent.

3.The petitioner has filed this writ petitioner for a Writ of Mandamus, directing the respondents 1 to 4 to approve his appointment in the post of Record Clerk in the 5th respondent school from the date of his appointment i.e., from 22.03.2013 by passing appropriate orders on the proposal submitted by the 5th respondent dated 11.06.2013, with all consequential benefits, including arrears of salary with interest. The said post is well within the sanctioned strength as per the staff fixation order issued by the third respondent. The ban on the appointment of non teaching staffs vide G.O.Ms.No.212 has also been lifted by the Government vide G.O.Ms.No.14, dated 07.02.2006. This Court has held in W.P.(MD).No.484 of 2007, dated 30.10.2007, that once the ban lifted, the provision contained in Rule 15(1) and (3) of the Tamil Nadu Recognized Private School (Regulations) Act, 1973 would come into operation and the said principle has also been confirmed by a Division Bench of this Court in W.A.(MD).No.304 of 2008, dated 04.08.2008 and W.A.(MD).No.888 of 2014, dated 21.07.2015. Hence, there is no impediment for the authority concerned to approve the post of the petitioner from the date of his appointment.

4.The learned Government Advocate appearing for the official respondents also admits that there is no impediment for the official respondents for approving the appointment of the petitioner.

5.In view of the above, the respondents 1 to 4 are directed to approve the appointment of the petitioner in the post of Record Clerk in the 5th respondent school from the date of his appointment by passing appropriate orders on the proposal submitted by the 5th respondent on 11.06.2013 with all consequential benefits, within a period of eight weeks from the date of receipt of a copy of this order.



6.The Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.
2. The Director of School Education,
DPI, Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Madurai, Madurai District.
4. The District Educational Officer,
Madurai, Madurai - 627 001.
5. The Correspondent,
D.M.& R. Girls Higher Secondary School,
No.14, North Masi Street,
Madurai - 625 001,
Madurai District.

+ 1 CC TO MR.T.CHANDRASEKARAN, ADVOCATE IN SR NO. 23512

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 23630

GCG

TE/NGM-DP/ : 18/05/2016 : 3P/8C

W.P. (MD) No.7996 of 2016

and

W.M.P. (MD) .No.6550 of 2016

25.04.2016