



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2016

CORAM:

WEB COPY

**THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA**

**W.P (MD) No.8014 of 2016**

S.Ranimargret

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep. By secretary to Government,  
School Education Department,  
Secretariat,  
Chennai - 600 009.

2.The Director of School Education,  
DPI, Campus,  
College Road,  
Chennai - 600006.

3.The Chief Educational Officer,  
Madurai,  
Madurai District.

4.The District Educational Officer,  
Madurai, Madurai - 627001.

5.The Correspondent,  
C.S.I Girls Higher Secondary School,  
No.14, North Masi Street,  
Madurai - 625 001,  
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the fourth respondent in his proceedings in O.Mu.No.8768/A4/2013, dated Nil.12.2013 and quash the same and the respondents 1 to 4 to approve the appointment of the petitioner in the Post of Lab Assistant in the 5<sup>th</sup> respondent school from the date of appointment on 07.10.2013 by passing appropriate orders on the proposal submitted by the fifth respondent, dated 18.11.2013, with all consequential attendant benefits including arrears of salary with interest within a time frame.



For Petitioner : Mr.G.Sankaran

For Respondents : Mr.R.Anandaraj,  
Government Advocate

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**ORDER**

Mr.R.Anandaraj, learned Government Advocate takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The Writ Petition is filed challenging the order, dated Nil.12.2013 and signed on 02.01.2014 passed by the District Educational Officer, Madurai.

4. The case of the petitioner is that she is working in the fifth respondent minority school as a Lab Assistant and has been appointed in the retirement vacancy, which is said to be a sanctioned Post. After her appointment to the Post of Lab Assistant, proposals were forwarded by the fifth respondent to fourth respondent for approval of appointment. However, the same has not been considered by the fourth respondent. In the meanwhile, the impugned order has been communicated stating that for the non-teaching staff, only after getting sanction from the Directorate of School Education, appointment can be made.

5. It is the case of the petitioner that her appointment itself is for the sanctioned post as it is evident from the staff fixation issued by the third respondent. The fifth respondent being a minority school is eligible to make appointment in the sanctioned post without any prior permission. The impugned order does not refer to any other condition for approving the post of the petitioner.

6. The learned Government Advocate fairly concedes that it is being a retirement vacancy, it should be approved Post. Once it is an approved Post, no prior permission is necessary.

7. In view of the submissions made by both sides, the impugned order of the fourth respondent is liable to be set aside.

8. In the result, the Writ Petition is allowed and the order passed by the fourth respondent in his proceedings in O.Mu.No.8768/A4/2013, dated Nil.12.2013, is set aside and the respondents 1 to 4, are directed to approve the appointment of the petitioner in the Post of Lab Assistant in the fifth respondent minority school on the date of appointment on 07.10.2013 by passing appropriate orders on the proposal submitted by the fifth respondent, dated 18.11.2013 with all consequential attendant



benefits including arrears of salary with interest, 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

/True copy/

Sub Assistant Registrar

To

- 1.The State of Tamil Nadu,  
Rep. By secretary to Government,  
School Education Department,  
Secretariat, Chennai - 600 009.
- 2.The Director of School Education,  
DPI, Campus, College Road, Chennai - 600006.
- 3.The Chief Educational Officer, Madurai, Madurai District.
- 4.The District Educational Officer,  
Madurai, Madurai - 627001.

+one cc to M/s.T.Chandrasekaran, Advocate in SR.No.23511  
+one cc to The Special Government Pleader in SR.No. 23632

pm

CSL/GSV/12.05.2016 : 3P/7C

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**25.04.2016**