

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.33617 to 33621 of 2017 and
W.M.P.Nos.37179 to 37188/2017

The Secretary and Correspondent,
National Higher Secondary School,
Mannargudi,
Thiruvarur District-614 001. Petitioner in all WPs.

Versus

1. The State of Tamil Nadu
rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai-9.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Collectorate Campus,
Thiruvarur, Thiruvarur District-602 001.
4. The District Educational Officer,
Collectorate Campus,
Tiruvarur, Tiruvarur
District-602 001. Respondents in all WPs.

Prayer in W.P.No.33617/2017: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 4th respondent District Educational Officer vide Proceedings in O.Mu.No.7641/A3/2017 dated 15.09.2017, quash the same and further direct the 4th respondent, District Educational Officer to approve forthwith the appointment of Mr.G.Muthukumarasamay as Watchman in the petitioner school with effect from the date of his appointment viz. 10.3.2017 and disburse the grant-in-aid towards his salary and allowances with effect from the date of his appointment.

Prayer in W.P.No.33618/2017: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 4th respondent District

Educational Officer vide Proceedings in O.Mu.No.7642/A3/2017 dated 15.09.2017, quash the same and further direct the 4th respondent, District Educational Officer to approve forthwith the appointment of Mrs.A.Santhi as Scavanger in the petitioner school with effect from the date of her appointment viz. 10.3.2017 and disburse the grant-in-aid towards his salary and allowances with effect from the date of her appointment.

Prayer in W.P.No.33619/2017: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 4th respondent District Educational Officer vide Proceedings in O.Mu.No.7639/A3/2017 dated 15.09.2017, quash the same and further direct the 4th respondent, District Educational Officer to approve forthwith the appointment of Mr.M.Arulmozhivarman as Lab Assistant in the petitioner school with effect from the date of his appointment viz. 09.3.2017 and disburse the grant-in-aid towards his salary and allowances with effect from the date of his appointment.

Prayer in W.P.No.33620/2017: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 4th respondent District Educational Officer vide Proceedings in O.Mu.No.7796/A3/2017 dated 15.09.2017, quash the same and further direct the 4th respondent, District Educational Officer to approve forthwith the appointment of Mr.S.Veerajayakumar as Office Assistant in the petitioner school with effect from the date of his appointment viz. 10.3.2017 and disburse the grant-in-aid towards his salary and allowances with effect from the date of his appointment.

Prayer in W.P.No.33621/2017: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 4th respondent District Educational Officer vide Proceedings in O.Mu.No.7640/A3/2017 dated 15.09.2017, quash the same and further direct the 4th respondent, District Educational Officer to approve forthwith the appointment of Mr.S.Mathavan as Library Attender in the petitioner school with effect from the date of his appointment viz. 9.3.2017 and disburse the grant-in-aid towards his salary and allowances with effect from the date of his appointment.

For Petitioner : Ms.H.Mary Sowmi Rexi
in all W.Ps.
For Respondents : Mr.RAS.Senthilvel,
in all W.Ps. Addl. Government Pleader

C O M M O N O R D E R

The petitioner School has come forward with these Writ Petitions, challenging the impugned orders dated 09.03.2017 and 10.03.2017 by which their proposals seeking orders for approval of appointment to the posts of Watchman, Scavenger, Lab Assistant, Office Assistant and Library Attender in their school have been returned.

2. The case of the petitioner School is that the said school was initially established as a High School in the year 1899 and subsequently, upgraded as a Higher Secondary School, when the Higher Secondary Course was introduced in the State. The Government of Tamil Nadu releases staff grant to the school. Further, it is stated that there are 1896 students studying in the School and there are totally 62 teaching staff, namely, one Headmaster, 22 P.G. Assistants, 39, B.T. Assistants and 14 non-teaching staff, namely, 2 Junior Assistants, 2 Office Assistants, 2 Lab Assistants, 2 Watchmen, 1 Library Assistant, 1 Record Clerk, 1 Gardner, 1 Sweeper, 1 Scavenger and one Watchman are working in the school.

3. While so, the posts of Watchman, Scavenger, Lab Assistant, Library Attender fell vacant in the school due to the retirement of the previous incumbents, namely, Mr.S.Krishnamurthy on 31.01.2016, Mr.S.Ammasi on 15.09.2003, A.Arumugam on 30.06.2009 and T.Ganesan on 31.10.2008. Likewise, the post of Office Assistant fell vacant due to the promotion of the previous incumbent, namely, Mr.Murugaiya as Record Clerk on 14.8.2006. In order to fill up all these posts, the petitioner school after following the due procedure appointed one Mr.G.Muthukumarasamy as watchman, Mrs.A.Santhi as Scavenger, M.Arulmozhivarman as Lab Assistant, S.Veerajayakumar as Office Assistant and S.Mathavan as Library Attender on 09.03.2017 and 10.03.2017 respectively.

4. Thereafter, the petitioner school sent proposals dated 10.04.2017 to the 4th respondent herein, namely, the District Educational Officer, Collectorate Campus, Thiruvavur, Thiruvavur District to approve the above said appointments for disbursement of staff grant towards their salary. But the 4th respondent vide Proceedings dated 15.05.2017 returned the proposals stating that to consider the proposals that school may resubmit the same by enclosing the Government order sanctioning the posts and

accordingly, the school resubmitted the said proposals by letter dated 30.05.2017 stating that the posts were sanctioned in the year 1964 by the 2nd respondent, namely, Director of School Education, College Road, Chennai and continuously being shown as sanctioned posts in the staff fixation orders every year. Further, the school also enclosed a copy of the staff strength for the year 2016-2017. Again the 4th respondent returned the proposal by proceedings dated 7.7.2017 with a direction to resubmit the same along with the earlier Proceedings dated 15.05.2017 and the same were resubmitted on 7.9.2017. However, by impugned proceedings dated 15.09.2017, the 4th respondent once again returned the proposals. Challenging the same, the present Writ Petitions came to be filed.

5. Learned Counsel appearing for the petitioners submitted that when the Staff Fixation Order 2016-2017 dated 05.10.2016 in respect of the petitioner School shows that the petitioner School is entitled for the above said posts and the 2nd respondent has accorded sanction for the said posts, the impugned proceedings of the 4th respondent shows the non-application of mind on the part of the 4th respondent. Hence, the same are liable to be quashed.

6. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who takes notice for the respondents sought for 4 weeks time to consider and pass appropriate orders on the proposals of the petitioner school.

7. Recording the submission of the learned Additional Government Pleader, the impugned orders of the 4th respondent dated 15.09.2017 are set aside and the 2nd respondent is hereby directed to accord approval, accepting the proposals of the petitioner School forthwith and also release the salary including the arrears of salary to the petitioners from the date of their appointment.

8. With the above direction, the Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tsi

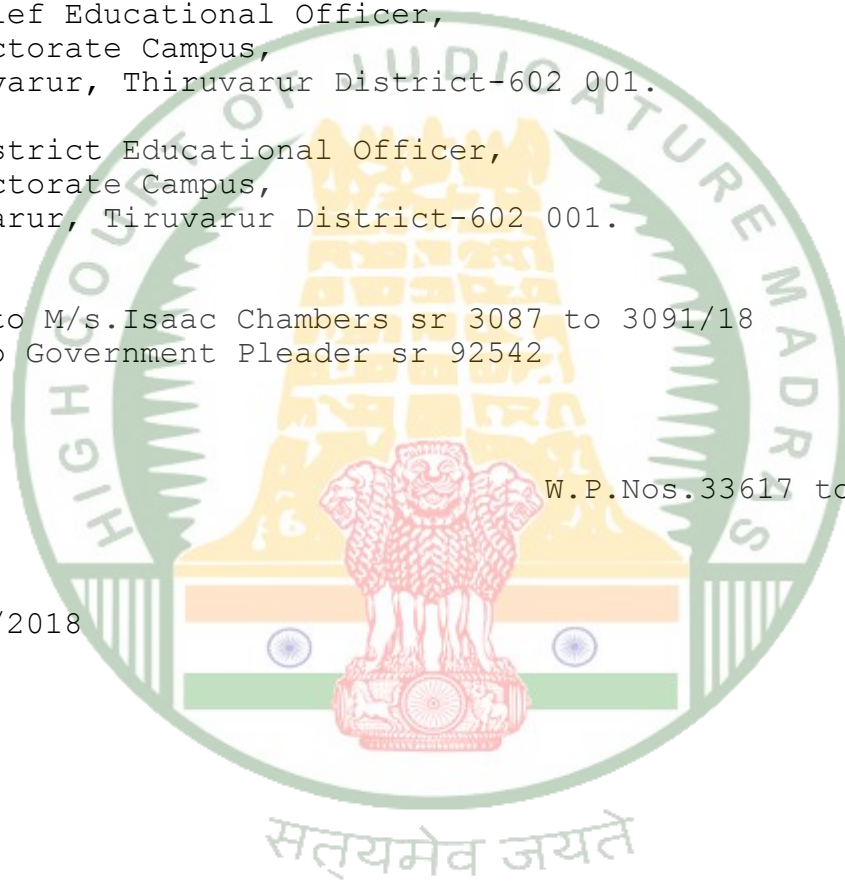
To

1. The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-9.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Collectorate Campus,
Thiruvarur, Thiruvarur District-602 001.
4. The District Educational Officer,
Collectorate Campus,
Tiruvarur, Tiruvarur District-602 001.

+5 ccs to M/s.Isaac Chambers sr 3087 to 3091/18
+1 cc to Government Pleader sr 92542

W.P.Nos.33617 to 33621/2017

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