

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.27731 of 2017

and

W.M.P.No.29698 of 2017

Alangar Annai Girls Higher Secondary School,
Varadarajanpet-621 805,
Ariyalur District,
rep. by its Correspondent,
Rev.Fr.Vincent Roch Manickam,
S/o.L.Lourduh Samy

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

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

4.The District Educational Officer,
Udayarpalayam,
Ariyalur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to approve the appointment of Sr.P.Santhanam in the regular sanctioned post of Record Clerk in the petitioner school from the date of appointment on 08.06.2016 and to make the payment of salary with interest and other service benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The present writ petition has been filed praying for issuance of a writ of Mandamus to direct the respondents to approve the appointment of one P.Santhanam in the regular sanctioned post of Record Clerk in the petitioner-school.

2.Heard the learned counsel Mr.G.Sankaran appearing for the petitioner as well as the learned Additional Government Pleader Mr.P.Sanjay Gandhi appearing for the respondents.

3.The petitioner school, being a religious minority aided school, comes under RC Schools Management and receives grant-in-aid from State Government for teaching and non-teaching staff working in the school. To fill up the vacancy that arose due to the transfer of an incumbent viz., one Vasanth, the petitioner School appointed one P.Santhanam as Record Clerk on 01.06.2016 and she also joined duty on 08.06.2016. Pursuant to the said appointment, the petitioner school also sent a proposal to the District Educational Officer, Udayarpalayam, Ariyalur District (4th respondent herein) seeking approval of the appointment of the said P.Santhanam in the post of Record Clerk with effect from 08.06.2016. But, the 4th respondent returned the said proposal stating that there was a ban for filling up the non-teaching post working in private aided schools as per Government Order in G.O.Ms.No.115.

4.It is not known how the 4th respondent could return the proposal sent by the petitioner school, on the ground that there was a ban for filling up the post in view of G.O.No.115, when the said GO was already set aside by this Court in a reported judgement in the case of Thiruvalluvar Higher Secondary School, Palamaner Road Vs. The government of Tamil Nadu [2008 (5) CTC 648]. Further, the State Government issued orders in G.O.Ms.No.212, P & AR Department, dated 29.11.2001 imposing ban for appointment to different categories of posts. Subsequently, the said ban was lifted as per the orders issued in G.O.Ms.No.14, dated 07.02.2006. Under such circumstances, the 4th respondent ought not to have returned the proposal sent by the petitioner school for approval of the appointment of the said P.Santhanam. It is also made clear that the petitioner school, being a religious minority aided school, to fill up the vacancy in the permanent sanctioned post, no prior approval is required from the Government.

5.Hence, the respondents are directed to consider the proposal sent by the petitioner school and grant approval to the appointment of P.Santhanam in the post of Record Clerk in the petitioner school, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

SSV

To

1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

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

4.The District Educational Officer,
Udayarpalayam,
Ariyalur District.

+1 cc to M/s.G.Sankaran Advocate sr 77149

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