



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2017
CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) .No.577 of 2015
and
M.P. (MD) .No.1 of 2015

R.Arun

... Petitioner

Vs.

1.The Director,
Department of School Education,
DPI Compound, Chennai.

2.The District Educational Officer,
Cheranmahadevi,
Tirunelveli Educational District,
Tirunelveli.

3.The Manager,
TDTA High, Higher, Special and Training Schools,
No.5, Punithavathiyar Street,
Palayamkottai,
Tirunelveli District.

4.The Correspondent,
Walker Higher Secondary School,
Dohnavur,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the 2nd Respondent in Na.Ka.No.2909/A1/2014 dated 07.08.2014 and quash the same and consequently, to direct the 2nd Respondent to approve the appointment proposal sent by the 4th Respondent, dated 11.06.2014, and disburse all service and monetary benefits to the Petitioner with effect from 03.03.2014.

For Petitioner

: Ms.M.Benazir Begum

For Respondents

: Mr.N.S.Karthikeyan,
Additional Government Pleader.

O R D E R

This Writ Petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of second respondent, dated 07.08.2014, and to quash the same and consequently, to direct the second respondent to approve the appointment proposal sent by the fourth respondent, dated 11.06.2014, and disburse all service and monetary benefits to the Petitioner with effect from 03.03.2014.

2. Heard Ms.M.Benazir Begum, learned Counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader, appearing for the respondents.

3. The petitioner was appointed as Lab Assistant in the fourth respondent School on 03.03.2014. The petitioner states that his appointment was in the sanctioned post. However, when the proposal for approving the appointment of petitioner was sent to the second respondent by the fourth respondent, the second respondent by the impugned order dated 07.07.2014, informed that prior permission has to be obtained from the District Educational Officer before making any appointment, and that the appointment cannot be accepted in view of the Government order imposing a bar for appointing any non teaching staff receiving grant in aid.

4. This Court has consistently taken the view that no prior permission is required before making an appointment in various Non-Teaching posts in private aided institution provided the post is sanctioned. All Government orders and executive orders preventing appointment of non teaching staffs as against sanctioned posts were quashed by this Court earlier.

5. Hence, this Writ Petition is allowed and the impugned order passed by the second respondent dated 07.08.2014, is quashed. Consequently, the second respondent is directed to approve the appointment of the petitioner with effect from 03.03.2014, and disburse salary and other monetary benefits. This exercise shall be done by the second respondent within a period of six weeks from the date of receipt of a copy of this order. No Costs. Consequently, the connected W.M.P(MD) No.1 of 2015 is closed.

Sd/-
Assistant Registrar

/True Copy/



To

- 1.The Director,
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DPI Compound, Chennai.

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+One cc to The Special Government Pleader, SR.No.53086

RL/6C/2P/MR/SAR3/11.5.2017

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