



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.467 of 2016

and

C.M.P. (MD) No.3286 of 2016

1 .The District Elementary Educational Officer,  
Pudukottai.

2. The Assistant Elementary Educational Officer,  
Thirumayam,  
Pudukottai District.

... Appellants

Vs.

The Secretary,  
Sri Udayaparasakthy Primary School,  
Kulamangalam,  
Natchandhu Patti(via),  
Thirumayam (Taluk),  
Pudukottai District.

... Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of Letter Patent,  
against the order dated 27.03.2014 made in W.P.(MD)No.12372 of  
2011 on the file of this Court.

Prayer in WP(MD). 12372/ 2011 :

Writ Petition is filed under Article 226 of the  
Constitution of India, for the issue of a Writ of Certiorarified  
Mandamus, to call for the entire records connected with the  
impugned order passed by the 1st respondent in  
Na.Ka.No.303/A2/2010 dated 20.09.2010 and quash the same and  
directing the 1st respondent to approve the appointment of  
Annakili the secondary grade teacher from the date of her  
appointment i.e. 01.06.2010, in the petitioner s school with all  
consequential benefits.

|                |                                                             |
|----------------|-------------------------------------------------------------|
| For Appellants | : Mr.T.S.Mohammed Mohideen<br>Additional Government Pleader |
| For Respondent | : No appearance                                             |

#### JUDGMENT

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[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This Writ Appeal is directed against the order dated  
27.03.2014 made in W.P.(MD)No.12372 of 2011 filed by the  
respondent herein.



2. The respondent is an unaided school. It has two sanctioned Secondary Grade Teaching posts including that of one Headmaster. On account of the demise of the incumbent Headmaster, one Secondary Grade Teacher was promoted to the said post. Thus one post became vacant. The respondent management appointed one Annakili as a Secondary Grade Teacher with effect from 01.06.2010. The school followed all the relevant rules and norms while making the said appointment. Proposal was sent for granting approval. The same was returned on the ground that prior permission was not obtained before appointing the said Annakili.

3. The order to this effect was passed on 20.09.2010. Challenging the same the respondent management filed W.P.(MD) No.12372 of 2011. The learned Judge by order dated 27.03.2014 allowed the same. Hence this intra Court Appeal has been filed by the appellant.

4. Heard the learned Additional Government Pleader for the appellants and the learned counsel for the respondent.

5. It is not in dispute that the appointment in question was in respect of a sanctioned post. It is also well settled that there is no need to obtain prior permission before making any appointment. The order impugned in the writ petition proceeds on the premise that such a prior approval is necessary. This Court has consistently held that in the case of appointment to the sanctioned post, such prior approval is not necessary.

6. The learned Judge was right in allowing the writ petition. There is no merit in this Writ Appeal. It stands dismissed. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(crlside)

/True Copy/

Sub Assistant Registrar

To

1 .The District Elementary Educational Officer,  
Pudukottai.

2. The Assistant Elementary Educational Officer,  
Thirumayam,  
Pudukottai District.

+1cc to Mr. K.K.Kannan, Advocate Sr.No.74505

RMI

VB/KK/SAR3/23/10/2017/2P/4C