



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.06.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.10354 of 2017 and
W.M.P.(MD)No.7933 of 2017

J.Ebinesh, Record Clerk,
C.S.I. Girls Higher Secondary School,
Aruppukottai - 626 101,
Virudhunagar District.

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Virudhunagar District.
4. The District Educational Officer,
Aruppukottai, Viridhunagar District.
5. The Correspondent,
C.S.I. Girls Higher Secondary School,
Aruppukottai - 626 101,
Virudhunagar District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the fourth respondent herein in O.Mu.No.1950/A3/2017, dated 25.04.2017, quash the same and further direct the fourth respondent herein to approve forthwith the appointment of the petitioner as Record Clerk in the fifth respondent school from 05.04.2017 onwards with salary and other attendant benefits.

For Petitioner : Mr.E.V.N.Siva
For R-1 to R-4 : Mr.J.Gunaseelan Muthaiah,
Government Advocate.

**O R D E R**

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the fourth respondent herein in O.Mu.No.1950/A3/2017, dated 25.04.2017, quash the same and further direct the fourth respondent herein to approve forthwith the appointment of the petitioner as Record Clerk in the fifth respondent school from 05.04.2017 onwards with salary and other attendant benefits.

2. Heard, Mr.E.V.N.Siva, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthaiah, learned Government Advocate appearing for the respondents 1 to 4.

3. Mr.J.Gunaseelan Muthaiah, learned Government Advocate takes notice for the respondents 1 to 4. By consent, the Writ petition itself is taken up for final disposal.

4. The petitioner in this Writ petition is a private aided school in which a non-teaching staff was appointed as against sanctioned post.

5. The crucial fact whether the appointment was against the sanctioned post was directed to be verified by the learned Government Advocate and the learned Government Advocate after getting instructions, has conceded the factual position that the person to whom the approval is sought for is non-teaching staff, who was appointed as against the sanctioned post. In this case, the appointment is made in private school getting aid from the Government.

6. The question whether prior approval is required or not before appointing a non-teaching staff in a private aided institution has already been decided in favour of the petitioner holding that no prior permission is required. The attempt of the Government by restricting or preventing the private aided institution from making appointment as against sanctioned post was the subject matter of challenge in several Writ petitions and this Court has consistently allowed all the Writ petitions quashing the order refusing approval or other Government Orders or instructions preventing the private aided schools from making appointment on their own as against sanctioned post. Hence, following the law laid down by this Court in number of Judgments, the respondents 1 to 4 in this Writ petition are directed to accord approval to the appointment of non-teaching staff in the private aided institution with effect from the date of appointment with all monetary and other service benefits within a period of six weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ petition is disposed of.
No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Virudhunagar District.
4. The District Educational Officer,
Aruppukottai,
Viridhunagar District.

+ 1 CC TO Mr.E.V.N.SIVA, ADVOCATE IN SR No. 59542

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59411

PMU

TE/JC/SAR-IV : 28/06/2017 : 3P/7C

ORDER MADE IN
W.P.(MD).No.10354 of 2017 and
W.M.P.(MD)No.7933 of 2017
08.06.2017