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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.10630 of 2017

G.Suba, Office Assistant,
Boiler Plant Girls Higher Secondary School,
Kailasapuram, Trichy – 620 014. .. Petitioner

Vs.

1. The Government of Tamilnadu,
   Rep. by the Principal Secretary,
   School Education Department,
   Fort St. George, Chennai – 600 009.

2. The Director of School Education,
   D.P.I. Campus, College Road,
   Nungambakkam, Chennai – 600 006.

3. The Chief Educational Officer,
   Trichy.

4. The District Educational Officer,
   Trichy.

5. Boiler Plant Girls Higher Secondary School,
   Rep. by its Secretary, Kailasapuram,
   Trichy – 620 014. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent in O.Mu.No.2251/Aa3/2017, dated 17.05.2017, quash the same and direct the respondents to approve the appointment of the petitioner as Office Assistant in the 5th respondent school with effect from 22.03.2017 with all attendant monetary benefits.

For Petitioner :Mr.M.Saravanan

For R-1 to R-4 :Mr.N.S.Karthikeyan,
Additional Government Pleader.

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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 pertaining to the impugned order passed by the fourth respondent in O.Mu.No.2251/Aa3/2017, dated 17.05.2017, quash the same and direct the respondents to approve the appointment of the petitioner as Office Assistant in the 5th respondent school with effect from 22.03.2017 with all attendant monetary benefits.

2. Heard, Mr.M.Saravanan, learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondents 1 to 4.

3.Mr.N.S.Karthikeyan, learned Additional Government Pleader 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 was appointed as an Office Assistant by the fifth respondent.

5. The crucial fact whether the appointment was against the sanctioned post was directed to be verified by the learned Additional Government Pleader and the learned Additional Government Pleader after getting instructions, has conceded the factual position that the petitioner to whom the approval is sought for was appointed as against the sanctioned post. In this case, the appointment is made by the fifth respondent, a 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, this Writ petition is allowed and the impugned order is set aside. The respondents 1 to 4 in this Writ petition are directed to accord approval to the appointment of the petitioner as Office Assistant in the fifth respondent school which is a private aided institution with effect from the date of joining in service with all monetary and other service benefits within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(Crl side)

/True copy/

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Sub Assistant Registrar

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To

1. The Government of Tamilnadu,
   Rep. by the Principal Secretary,
   School Education Department,
   Fort St. George, Chennai - 600 009.

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

3. The Chief Educational Officer,
   Trichy.

4. The District Educational Officer,
   Trichy.

+1 cc to Mr.R.Subramanian , Advocate in SR.No. 59333
+1 cc to Special Government Pleader in Sr.No.59409

pmu
AE/MR/SAR2/23.06.2017/3P/7C

ORDER MADE IN
W.P.(MD).No.10630 of 2017
08.06.2017

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