



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .Nos.11487 to 11490 of 2017

W.P. (MD) .No.11487 of 2017

R.Sekar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
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.Seva Sangam Girls' Higher Secondary School,
Rep. by its Secretary,
No.3/2, William's Road,
Cantonment, Trichy-620 001.

... Respondents

PRAYER in W.P. (MD) .No.11487 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 4th respondent in O.Mu.No.2675/Aa4/2017, dated 15.06.2017, quash the same and direct the respondents 1 to 4 to approve the appointment of the petitioner as Office Assistant in the 5th respondent school with effect from 28.04.2017 with all attendant monetary benefits.

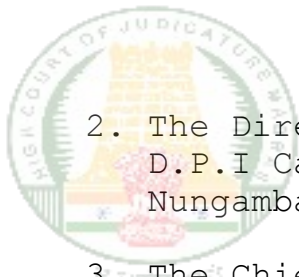
W.P. (MD) .No.11488 of 2017

R.Kumaresan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
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. Seva Sangam Girls' Higher Secondary School,
Rep. by its Secretary.

... Respondents

PRAYER in W.P.(MD).No.11488 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 4th respondent in O.Mu.No.2677/Aa4/2017, dated 15.06.2017, quash the same and direct the respondents 1 to 4 to approve the appointment of the petitioner as Office Assistant in the 5th respondent school with effect from 26.04.2017 with all attendant monetary benefits.

W.P. (MD) .No.11489 of 2017

C.Jayasree

... Petitioner

Vs.

1. The Government of Tamil Nadu,
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. Seva Sangam Girls' Higher Secondary School,
Rep. by its Secretary.

... Respondents

PRAYER in W.P.(MD).No.11489 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 4th respondent in O.Mu.No.2674/Aa4/2017, dated 15.06.2017, quash the same and direct the respondents 1 to 4 to approve the appointment of the petitioner as Record Clerk in the 5th respondent school with effect from 26.04.2017 with all attendant



monetary benefits.

W.P. (MD).No.11490 of 2017

E.Sundaresan

... Petitioner

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Vs.

1.The Government of Tamil Nadu,
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.Seva Sangam Girls' Higher Secondary School,
Rep.by its Secretary.

... Respondents

PRAYER in W.P.(MD).No.11490 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 4th respondent in O.Mu.No.2676/Aa4/2017, dated 15.06.2017, quash the same and direct the respondents 1 to 4 to approve the appointment of the petitioner as Watchman in the 5th respondent school with effect from 28.04.2017 with all attendant monetary benefits.

For Petitioners : Mr.M.Saravanan
in all W.P's

For Respondents : Mr.C.Selvaraj
in all W.P's. Special Government Pleader

C O M M O N O R D E R

The petitioner in these writ petitions are non-teaching staff appointed as against sanctioned posts in private schools. However, when approval for their appointment was sought, it was rejected by orders impugned in the respective writ petitions. The writ petitions are therefore filed to quash the impugned orders and for consequential direction.

2.The crucial fact whether the appointment was against sanctioned posts or not was directed to be verified by the learned Government Pleader and the learned Government Pleader after getting instructions, has conceded the factual position that the persons to



whom the approval is sought for are non-teaching staffs, who were appointed as against the sanctioned post. In all these cases the appointments are made in private schools getting aid from the Government.

3. 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 petitioners 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 posts.

4. Hence, following the law laid down by this Court in number of Judgments, this Writ petition is allowed and the impugned orders in O.Mu.Nos.2675/Aa4/2017, 2677/Aa4/2017, 2674/Aa4/2017 and 2676/Aa4/2017 respectively, dated 15.06.2017 passed by the fourth respondent in all petitions are set aside. The fourth respondent, namely, the District Educational Officer, Trichy District, in these Writ petitions is directed to accord approval to the appointment of the said non-teaching staff in the petitioner's 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 four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. 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.
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.62716
+4cc to Mr.R.SUBRAMANIAN Advocate in SR. No.62286

PJL