



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.11595 to 11597 of 2017

and

W.M.P (MD) .No.8956 to 8961 of 2017

The Correspondent,
Ponnai Higher Secondary School,
Palakkarai,
Tiruchirappalli - 620 001.

... Petitioner in all W.Ps.

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-6.

3.The Chief Educational Officer,
Marakadai, Thiruchirappalli - 620 008.

4.The District Educational Officer,
District Educational Office,
Collectorate Campus,
Thiruchirappalli - 620 001.

... Respondents in all W.Ps.

PRAYER in W.P. (MD) .No.11595 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 relating to the impugned proceedings issued by the 4th respondent District Education Officer vide A.Thi.Mu. No.1982/A4/2017, dated 00.04.2017, quash the same and further direct the 4th respondent District Educational Officer herein to approve forthwith the appointment of Thiru.P.Nallendiran as Record Clerk in the petitioner school w.e.f., 01.03.2017 with all attendant benefits including the arrears of salary and allowance.

PRAYER in W.P. (MD) .No.11596 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 relating to the impugned proceedings issued by the 4th respondent District Education Officer vide A.Thi.Mu.No.1983/A4/2017, dated 00.04.2017,



quash the same and further direct the 4th respondent District Educational Officer herein to approve forthwith the appointment of Thiru.A.Cyril as Office Assistant, in the petitioner school w.e.f., 01.03.2017 with all attendant benefits including the arrears of salary and allowance.

PRAYER in W.P.(MD).No.11597 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 relating to the impugned proceedings issued by the 4th respondent District Education Officer vide A.Thi.Mu. No.2051/A4/2017, dated 00.04.2017, quash the same and further direct the 4th respondent District Educational Officer herein to approve forthwith the appointment of Thiru.P.Balakrishnan as Watchman in the petitioner school w.e.f., 03.04.2017 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.K.Prabhu
in all W.Ps

For Respondents : Mr.N.S.Karthikeyan,
in all W.Ps. Additional Government Pleader

C O M M O N O R D E R

The petitioner in these writ petitions is a Government aided private school in which non-teaching staffs were appointed as against sanctioned posts. When the petitioner sent proposal for approval of appointment in the respective posts, the 4th respondent rejected the proposal by the orders impugned in the writ petitions only on the ground that no prior approval was obtained by the petitioner school to fill up the post. The above writ petitions are therefore filed to quash the impugned orders and for issuing consequential direction.

2.The crucial fact whether the appointment was against sanctioned post 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 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.

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4. Hence, following the law laid down by this Court in number of Judgments, these Writ petitions are allowed and the impugned orders in A.Thi.Mu. No.1982/A4/2017, 1983/A4/2017 and 2051/A4/2017, dated 00.04.2017 passed by the fourth respondent in all petitions are set aside. The fourth respondent, namely, the District Educational Officer, Tiruchirappalli District, in these Writ petitions is directed to accord approval to the appointment of the 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(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-6.
3. The Chief Educational Officer,
Marakadai, Thiruchirappalli - 620 008.
4. The District Educational Officer,
District Educational Office,
Collectorate Campus,
Thiruchirappalli - 620 001.

+2ccs to M/s.Isaac Champers, Advocate in Sr.No.62558,62560

PJL

AE/KP/SAR4/10.07.2017/3P/7C

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