



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12782 of 2017

D.Oral Robert

... Petitioner

Vs.

1.The Secretary to Government,
Education Department,
State of Tamil Nadu
St. Fort George,
Chennai - 9.

2.The Director of School Education,
College Road, Chennai - 6.

3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The Correspondent,
Schaffter Hr.Sec. School,
Tirunelveli.
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in respect of order passed by third respondent in O.Mu.No.1828/B2/2017 dated 08.05.2017 and quash the same and consequently direct the third Respondent to approve the appointment of the petitioner from 06.04.2017 and further direct the respondents to disburse all service and monetary benefits to the petitioner from 06.04.2017.

For Petitioner	: Mr.S.Chellapandian
For R1 to R3	: Mr.K.Guru, Additional Government Pleader
For R4	: Mr.K.K.Samy

ORDER

The petitioner has come to this Court challenging the impugned order in O.Mu.No.1828/B2/2017 dated 08.05.2017, issued by the third respondent and consequently direct the third Respondent to approve the appointment of the petitioner



from 06.04.2017 and further direct the respondents to disburse all service and monetary benefits to the petitioner from 06.04.2017.

2. The petitioner was appointed as Waterman in the fourth respondent school in the sanctioned post left by one Mr.Selvaraj, who died on 24.06.2014, while serving as Waterman. The fourth respondent Educational Institution is a minority aided school administered by CSI Dioceses, Tirunelveli.

3. In the order of appointment, it has been clearly mentioned that the petitioner would be in probation for one year until 05.04.2018 and his appointment is subject to approval of the District Educational Officer, Tirunelveli and he will be paid salary as and when staff grant is assessed on his behalf by the Department.

4. After appointing the petitioner in the school, a proposal was sent to the fourth respondent seeking approval for his appointment so as to get grant-in-aid with regard to the post. But the third respondent has rejected the proposal in terms of G.O.Ms.No.115 School Education (D2) Department dated 30.05.2007, stating that the ban for not to make any appointment has not been lifted and therefore the school authorities were allowed to fill up 50% of the vacancies of the post of Watchman through outsourcing TEXCO and the post of Sweepers can also be filled up through outsourcing with further direction that the posts of Gardener and Waterman shall not be filled up without prior permission. Hence, the proposal sent by the fourth respondent school seeking grant-in-aid, approval was refused. It is stated that the order impugned in this petition has been passed mainly based on G.O.Ms.No.115 School Education (D2) Department, dated 30.05.2007 and the said G.O.Ms.115 dated 30.05.2007 has already been quashed by this Court vide order dated 15.03.2016 passed in W.P.(MD) Nos.11481 of 2008, etc. batch. Hence, the impugned order is liable to be quashed.

5. It is pertinent to mention here that the proposal was sent by the fourth respondent school to the third respondent in respect of a vacancy occurred in a sanctioned post left by one Mr.Selvaraj, who died on 24.06.2014 and in his place, the petitioner was appointed as Waterman, which clearly shows that the petitioner was appointed in a sanctioned post in the fourth respondent school, therefore refusal of the proposal made by the school is unjustified.

6. In view of the foregoing reasons, this Writ Petition is allowed and the impugned order is set aside. The third respondent is directed to accord approval to the appointment of the petitioner as Waterman in the fourth respondent school with effect from 06.04.2017 with all monetary and other service benefits, including arrears of salary and allowances, within a



period of four weeks from the date of receipt of a copy of this order. No Costs.

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/True Copy/

Sd/-

Assistant Registrar (T&P)

Sub-Assistant Registrar

To

1.The Secretary to Government,
Education Department,
St. Fort George,
Chennai - 9.

2.The Director of School Education,
College Road, Chennai - 6.

3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

+One cc to Mr.S.Chellapandian, Advocate, SR.No.66209

+One cc to Mr.K.K.Samy, Advocate, SR.No.66371

+One cc to The Special Government Pleader, SR.No.66279

rm/ar

RL/7C/3P/MR/KKR/SAR1/31/7/2017

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