



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P (MD) No.13125 of 2017

P.Muthusanthi

.... Petitioner

vs.

1)Government of Tamil Nadu,
Rep by Secretary to Government,
School Education Department,
Secretariat,
Chennai-600 009.

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

3)The Chief Educational Officer,
Madurai,
Madurai District.

4)The District Educational Officer,
Madurai,
Madurai District.

5)The Correspondent,
Seethalakshmi Girls Higher Secondary School,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing O.Mu.No.4488/A3/2016 dated 20.04.2017 passed by the 4th respondent and quash the same and consequently direct the 4th respondent to approve the appointment of the petitioner in the post of Office Assistant in the 5th respondent school with effect from 01.08.2016 with all consequential benefits.

For Petitioner

For R1 to R4

: Mr.T.Antony Arul Raj

: Mr.R.Karthikeyan

Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the impugned order bearing O.Mu.No.4488/A3/2016 dated 20.04.2017 passed by the 4th respondent to quash the same and consequently direct the 4th respondent to approve her appointment in the post of Office Assistant in the 5th respondent school with effect from 01.08.2016 with all consequential benefits.

2. On 17.07.2017, I have passed the following order:-

'When the law is well settled in umpteen number of cases by this Court repeatedly holding that in the event of receiving proposal for grant of approval for appointment to any non-teaching staff in a sanctioned post in a school, the authority has to consider whether the post, in which, the order of appointment/approval has been sought, has already been sanctioned.

2. If the authority on the basis of record comes to the conclusion that it is not a sanctioned post, they can refuse the request for granting order of approval. If, on the other hand, they are satisfied that the request for grant of approval of appointment of teaching or non-teaching staff is to the sanctioned post, then, it has to be considered firstly. Leaving that course open, the fourth respondent/the District Educational Officer, Madurai District appears to have passed the impugned order mechanically stating that prior permission to fill up the post of non-teaching staff has not been obtained. When it is the case of the petitioners that in a sanctioned post, the appointment has been made for which order of approval is required, without answering the question, erroneously the impugned order has been passed and it has become the usual practice of the education Department rejecting the genuine request resulting in filing of unnecessary docket explosion in the Court which, in turn, causes wastage of precious time of the Court, respondent Department in many ways like, engaging lawyer etc, hence the District Educational Officer, Madurai District, is directed to appear before this Court and to show cause as to why action should not be taken against him. Post on 24.07.2017.'

3. Pursuant to the aforesaid order, Tmt.S.Muruganandam, District Educational Officer, Madurai District, appeared before this Court and produced the order in Na.Ka.No.4488/A3/2017 dated 24.07.2017, granting approval to the petitioner in the post of Office Assistant in the 5th respondent school with effect from 01.08.2016. She has also stated that she would not pass such type of order impugned in this writ petition in future. Recording the same, the appearance of the District Educational Officer, Madurai, is dispensed with.



4. In view of the order dated 24.07.2017, the relief prayed in this writ petition has become infructuous. Hence, placing on record the proceedings in Na.Ka.No.4488/A3/2017 dated 24.07.2017, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1) The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai-600 009.

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

3) The Chief Educational Officer,
Madurai, Madurai District.

4) The District Educational Officer,
Madurai, Madurai District.

+One cc to The Special Government pleader, SR.No.67967

nbi

RL/6C/3P/KK/SAR1/7/8/2017

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