



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)Nos.13373 and 16270 of 2017

M.Navaraj Kovil Pitchai ... Petitioner in W.P.(MD)No.13373/2017
P.Bala ... Petitioner in W.P.(MD)No.16720/2017

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.

... Respondents 1 & 2 in
both the W.Ps.

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

... 3rd Respondent in
W.P. (MD)No.13373/2017

4.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

... 3rd Respondent in
W.P. (MD)No.16270/2017

Prayer in W.P.(MD)No.13373 of 2017:

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records in respect of the order passed by the third respondent in O.Mu.No.5060/A2/2016, dated 04.07.2017 and quash the same and consequently, direct the third respondent to approve the appointment of the petitioner from 27.10.2016 and further direct the respondents to disburse all service and monetary benefits to the petitioner from 27.10.2016.

Prayer in W.P.(MD)No.16720 of 2017:

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records in respect of the order passed by the third respondent in O.Mu.No.3007/AA2/2017, dated 03.08.2017 and quash the same and consequently, direct the third respondent to approve the appointment



of the petitioner from 24.07.2017 and further direct the respondents to disburse all service and monetary benefits to the petitioner from 24.07.2017.

For Petitioner : Mr.R.Renga Durai
(in W.P.(MD)
No.13373/2017)

For Petitioner : Mr.S.Chellapandian
(in W.P.(MD)
No.16270/2017)

For Respondents : Mr.K.Guru
(in both the W.Ps.) Additional Government Pleader

COMMON ORDER

These Writ Petitions are directed against the impugned proceedings issued by the District Educational Officer, Tenkasi, Tirunelveli District, in O.Mu.No.5060/A2/2016, dated 04.07.2017 and the impugned proceedings issued by the District Educational Officer, Tirunelveli, Tirunelveli District, in O.Mu.No.3007/AA2/2017, dated 03.08.2017, rejecting the request of the petitioners for according approval of their appointment on the basis of the Government Letter No.14462/D2/2006, dated 26.05.2006 and another Government Letter No.8884/D1/2011-2, dated 09.07.2012.

2.The learned counsel appearing for the petitioners attacking the said orders, which were passed on the ground of non-application of mind submitted that in view of the order passed by this Court, dated 15.03.2016, in the case of **Deva Asir Vs. Secretary to Government, School Education Department, Chennai and others** reported in **2016-III-LLJ-49 [Mad]** [W.P.(MD)No.11481 of 2008 etc. batch], the same are liable to be set aside.

3.I have heard Mr.K.Guru, learned Additional Government Pleader appearing for the respondents.

4.The submission made by the learned counsel appearing for the petitioners that the impugned orders have been passed by the District Educational Officer, Tenkasi, Tirunelveli District, and the District Educational Officer, Tirunelveli, Tirunelveli District, respectively, without application of mind, deserves acceptance, since this Court has already quashed Government Letter No.8884/D1/2011-2, dated 09.07.2012, in W.P.(MD)No.11481 of 2008 etc. batch reported in **2016-III-LLJ-49 [Mad]** [supra], and the relevant portion of the said order is given as under:-

"38.In the result, for the details reasons mentioned above,

(i) All these writ petitions are allowed.

(ii) Impugned G.Os., namely, G.O.Ms.No.115, School Education Department, dated 30.05.2007 and G.O.Ms.No.203, School Education Department, dated 23.07.2010 and Government Letter No.8884/D1/2011-2, dated 09.07.2012, are quashed.



(iii) The impugned orders of the DEOs/DEEOs refusing to approve of the appointments of various non-teaching posts in these writ petitions are set aside and the official respondents are directed to approve of those appointments of the non-teaching staff in the Private Aided Schools concerned in these writ petitions and to sanction grant.

(iv) Wherever writ of Mandamus is sought for, a direction is issued to the respondents to approve of the appointments of the non-teaching staff in the Private Aided Schools and to sanction grant.

(v) The official respondents are directed to comply with the aforesaid directions within a period of six weeks from the date of receipt of a copy of this order.'

5. In the light of the above, these writ petitions are allowed and the impugned orders are set aside. Consequently, the third respondent is hereby directed to approve the appointment of the petitioners from 27.10.2016 and 24.07.2017 respectively, within a period of eight weeks from the date of receipt of a copy of this order and disburse all service and monetary benefits to them from the said date. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

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,
Tenkasi, Tirunelveli District.
4. The District Educational Officer,
Tirunelveli District,
Tirunelveli.

+2cc to Mr. S. CHELLAPANDIAN Advocate in SR. No. 77078

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 77474, 77303, 77300

SMN2

<https://hcservices.ecourts.gov.in/hcservices/>

JS/SV.MMS/SAR.1/21.09.2017/3P-8C

WP (MD) Nos. 13373 and 16270 of 2017

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