



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) Nos.14906 to 14908 of 2017

and

W.M.P. (MD) Nos.11744 to 11746 of 2017

R.Sikkandar Sait : Petitioner in W.P. (MD) No.14906 of 2017
M.Balaramani : Petitioner in W.P. (MD) No.14907 of 2017
R.Hariharan : Petitioner in W.P. (MD) No.14908 of 2017

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Secretariat,
Chennai.

2.The Director of School Education,
O/o the Director of School Education,
D.P.I. Complex,
Chennai.

3.The District Educational Officer,
O/o the Aruppukkottai District Educational Officer,
Aruppukkottai,
Viruthunagar District.

: Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent in his proceedings mjpK.vz;. 4021/M3/2017 and mjpK.vz;. 4022/M3/2017 dated 24.07.2017 and quash the same as illegal and consequentially to direct the third respondent to approve the petitioners appointment as Record Clerk, Watchman and Office Assistant w.e.f 08.06.2017 and pay arrears of salary with all consequential benefits arising thereon.

For Petitioners : Mr.B.Anandan

For Respondents : Mr.D.Muruganantham

Additional Government Pleader

**COMMON ORDER**

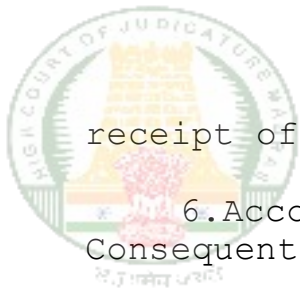
By consent of both sides, these writ petitions themselves are taken up for final disposal.

2.The petitioners were appointed as Record Clerk, Watchman and Office Assistant in Sri Verappa Vidyalaya Higher Secondary School, Kullur Sandai, Virudhunagar District, in a sanctioned post which fell vacant on 18.08.2016, 01.10.2000 and 08.06.2017 respectively. After the appointment of the petitioners as Record Clerk, Watchman and Office Assistant, the school sent a proposal to the third respondent to grant approval for the said appointment. But the third respondent / District Educational Officer rejected the same citing the proceedings mjpK.vz;. 4021/M3/2017 and mjpK.vz;. 4022/M3/2017 dated 24.07.2017, that non-teaching staff cannot be appointed without prior permission of the School Authorities.

3.The learned counsel appearing for the petitioners would submit that Sri Verappa Vidyalaya Higher Secondary School is a non-minority institution and receives the grant-in-aid from the Government. Since the three posts namely, Record Clerk, Watchman and Office Assistant had fallen vacant, after appointing the qualified persons to these posts, proposals were also sent to the third respondent / District Educational Officer without even taking note of the fact that the aforementioned sanctioned posts were filled in by appointing the competent and qualified incumbent. Citing a reason that these posts cannot be filled in without prior permission, the third respondent herein wrongly passed the impugned orders. Therefore, the impugned orders passed without sufficient reason are liable to be set aside. It is also submitted that this Court in all similar cases had held that for filling up of sanctioned posts, prior permission is not required. Hence, the impugned orders are liable to be set aside.

4.The learned Additional Government Pleader appearing for the respondents on written instructions, would submit that the posts of Record Clerk, Watchman and Office Assistant acquired in Sri Verappa Vidyalaya Higher Secondary School are all sanctioned posts. Therefore, when Sri Verappa Vidyalaya Higher Secondary School had filled the said sanctioned posts with qualified persons and had sent the proposal to the third respondent / District Educational Officer, Aruppukkottai, he should not have returned or rejected the proposal. In the present case, the third respondent herein has wrongly rejected the proposal sent by the said school.

5.In view thereof, the impugned orders are set aside and the writ petitions are allowed and the third respondent / District Educational Officer, Aruppukkottai, is directed to pass appropriate orders for the approval of the aforementioned appointments within a period of four weeks from the date of



receipt of copy of this order.

6. Accordingly, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.

2. The Director of School Education,
O/o the Director of School Education,
D.P.I. Complex,
Chennai.

3. The District Educational Officer,
O/o the Aruppukkottai District Educational Officer,
Aruppukkottai,
Viruthunagar District.

+3cc to M/S.AJMAL ASSOCIATES, Advocate, SR. 71524, 71525, 71526,

W.P. (MD) Nos. 14906 to 14908 of 2017
and

W.M.P. (MD) Nos. 11744 to 11746 of 2017
09.08.2017

mrn/mr

KK/SVMMS/SAR 2/27.09.2017/ 3P- 7C/