



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P. (MD) No.15102 of 2017

M.Alagiri

... Petitioner

Vs.

1. The Director of School Education (Secondary)
College Road,
Chennai- 600 006.

2. The District Educational Officer,
Devakottai.

3. The Secretary
Sri Meenakshi Girls Higher Secondary School
Karaikudi - 630 001,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the 2nd respondent in O.Mu.No.5676/A1/2017 dated 27.07.2017 and quash the same and directing the 2nd respondent to approve the appointment of the petitioner as Night Watchman in the 3rd respondent School namely Sri Meenakshi Girls Higher Secondary School, Karaikudi - 630 001, Sivagangai District with all consequential monetary benefits and salary with effect from 07.06.2017.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.R.Karthikeyan

Addl. Government Pleader

O R D E R

This writ petition has been filed challenging the impugned order dated 27.07.2017, in and by which, the 2nd respondent has refused the request for grant of approval of appointment of the petitioner as Night Watchman.

2.This Court on 11.08.2017 has passed the following order as under:-

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

Interim order passed by the District Educational Officer, Devakottai, shows that in view of the



G.O.Ms.No.115 dated 30.05.2007, the request for grant of approval of appointment of the Teacher was refused.

2. However, this Court in **Deva Asir v. The Secretary to Government, School Education Department and other** reported in **2016 3 Law Weekly 152** has quashed the G.O.Ms.No.115 dated 30.05.2007. In the said judgment, in the concluding portion of the order, it is held 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.

However, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed."

3. This has been followed in umpteen number of cases giving directions to the District Educational Officer and the Director of School Education. While this being the settled legal position, I do not know how again the District Educational Officer, Devakottai, has passed the impugned order citing the



very same G.O.Ms.No.115 dated 30.05.2007, which was already quashed. The legal position is bound to be known by the District Educational Officer, Devakottai. Therefore, he is directed to appear before this Court on 21.08.2017 and explain this Court as to why he passed such an order thereby driving a teacher to approach this Court and thereby wasting the valuable time of this Court and causing loss to the Government.

4. Post the matter on 21.08.2017."

3.Today when the matter was taken up for hearing, the learned Additional Government Pleader submitted that the second respondent has approved the appointment of the petitioner as Night Watchman in the third respondent School and an order has been passed to that effect.

4.Recording the same, the writ petition is closed and the appearance of the second respondent is dispensed with. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education (Secondary)
College Road,
Chennai.
2. The District Educational Officer,
Devakottai.
3. The Secretary
Sri Meenakshi Girls Higher Secondary School
Karaikudi - 630 001,
Sivagangai District.

MRN/RR

VB/SV/MMS/SAR2/25/09/2017/3P/4C

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