



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15122 of 2017

and

W.M.P. (MD) Nos.11925 and 11926 of 2017

S.Samson Robert

.. Petitioner

Vs.

1. The Director of School Education,
D.P.I. Complex,
Chennai.
2. The Chief Educational Officer,
Seena Vaana Campus,
Thoothukudi,
Thoothukudi District.
3. The District Educational Officer,
Seena Vaana Campus,
Thoothukudi,
Thoothukudi District.
4. The Correspondent,
St. Marks Higher Secondary School,
Mukuperi,
Thoothukudi District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication vide O.Mu.No.5265/A5/15, dated Nil.11.2015 [signed on 23.11.2015] issued by the third respondent and quash the same as illegal and direct the third respondent to approve the petitioner's appointment as Office Assistant with effect from 11.06.2015 in the fourth respondent Higher Secondary School with all arrears of salary and all other attendant and consequential benefits, within a period that may be stipulated by this Court.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.K.Guru

1 to 3

Additional Government Pleader

ORDER

The present writ petition is directed against the impugned communication of the third respondent in O.Mu.No.5265/A5/15, dated Nil.11.2015 [signed on 23.11.2015], refusing to grant an order of approval of appointment of the petitioner for the post of Office



Assistant on the ground that G.O.Ms.No.115, School Education [D1] Department, dated 30.05.2017 and the Government Letter No.8884/D1/2011-12, dated 08.07.2012, are not permitting the respondents to pass an order.

2.The fourth respondent School viz., St. Marks Higher Secondary School, Mukuperi, Thoothukudi District, is a minority educational institution and also regularly receiving grant-in-aid from the Government. While so, one Mr.A.Gnanakan working in the fourth respondent School as Office Assistant retired from service on 30.04.2015, in the said vacancy, the petitioner was appointed as Office Assistant as per the staff fixation for the year 2014-15, sanctioning one post of Record Clerk. It is also stated that the first respondent in his proceedings in Mu.Mu.No.4150/A3/2014, dated 22.10.2014, has granted permission to fill up the sanctioned post of Office Assistant. Pursuant thereto, the fourth respondent School appointed the petitioner as Office Assistant with effect from 11.06.2015. Consequently, a proposal was sent to the third respondent seeking approval of his appointment. Whereas, the third respondent returned the proposal by relying upon G.O.Ms.No.115, School Education [D1] Department, dated 30.05.2017 and the Government Letter No.8884/D1/2011-12, dated 08.07.2012, which are all quashed by this Court in W.P.(MD)No.11481 of 2008 etc. batch on 15.03.2016, hence, it is prayed that the impugned order, which is passed without application of mind should be set aside.

3.Heard both sides.

4.The impugned order is liable to be set aside on the ground that G.O.Ms.No.115, School Education [D1] Department, dated 30.05.2017 and the Government Letter No.8884/D1/2011-12, dated 08.07.2012, are all quashed by this Court, vide order dated 15.03.2016, in W.P.(MD)No.11481 of 2008 etc. batch, therefore, the impugned order passed by the respondents is without application of mind. Hence, the impugned order is set aside and the Writ Petition is allowed. The respondents are directed to approve the appointment of the petitioner within four weeks from the date of receipt of a copy of this order. It is needless to mention that the respondents are directed to pay salary to the petitioner from the date of his appointment. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar



To

1. The Director of School Education,
D.P.I. Complex,
Chennai.

2. The Chief Educational Officer,
Seena Vaana Campus,
Thoothukudi,
Thoothukudi District.

3. The District Educational Officer,
Seena Vaana Campus,
Thoothukudi,
Thoothukudi District.

+1cc to Mr.V.Rajiv Rufus, Advocate Sr.No.75710

+1cc to The Spl.Government pleader Sr.No.75775

SMN2

VB/KP/SAR1/15/09/2017/3P/6C

W.P. (MD) No.15122 of 2017

30.08.2017