



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15401 of 2017

and

W.M.P.(MD)Nos.12206 and 12207 of 2017

The Correspondent,
St.Justin Girls Higher Secondary School,
Palakurichy-621 308,
Tiruchirappalli. ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

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

3.The Chief Educational Officer,
Thiruchirappalli-620 008,
Thiruchirappalli District.

4.The District Educational Officer,
Thiruchirappalli-620 001,
Thiruchirappalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent District Education Officer vide O.Mu.No.2229/A2/2017 dated 00.07.2017, quash the same and further direct the fourth respondent District Educational Officer herein to approve forthwith the appointment of Sr. V.Kulandai Therasa as Junior Assistant in the petitioner School with effect from 01.06.2016 with all attendant benefits including the arrears of salary and allowance.

For Petitioner

: Ms.A.Amala for M/s.Isaac Chambers

For Respondents

: Mr.R.Karthikeyan
Additional Government Pleader

ORDER

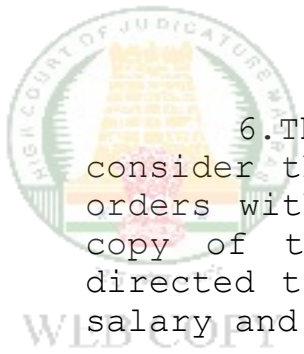
By the consent of both sides, this writ petition itself is taken up for final disposal.

2.The petitioner School namely St.Justin Girls Higher Secondary School, Palakurichy, Thiruchirappalli District is a recognised Religious Minority Institution under Article 30 (1) of the Constitution of India. It was established as Middle School in the year 1983, later on it was upgraded as Higher Secondary School, in the year 1996. Though it is a Minority Education Institution, admission to the students is not denied on the ground of religion, caste or creed.

3.The learned counsel for the petitioner would submit that there are 535 students studying in the aided Sections and the School is offering education from VI to XII standard. For the year 2016-2017, the staff fixation has been made by the respondents. As per the fixation of staff strength, one post of Junior Assistant has been allotted. One Rev. Sr. Albonsa who was working in the said post, on attaining the age of superannuation on 31.05.2016 vacated the said seat. In the said sanctioned post, the petitioner School appointed Rev. Sr. Kulandai Theresa on 01.06.2016 as Junior Assistant. Immediately thereafter, for the purpose of getting the salary to the said Junior Assistant, a proposal was also made on 04.01.2017 and sent to the fourth respondent/District Educational Officer, Thiruchirappalli District herein. On receipt of the same, the fourth respondent returned the same by directing the petitioner School to submit relevant G.O. Or Circular proceedings sanctioned in the said post.

4.The learned Additional Government Pleader submitted that the fourth respondent vide the impugned order dated nil.07.2017 directed the petitioner to produce a copy of staff fixation order to find out whether the post of Junior Assistant for which the approval has been sought for by the petitioner School has already been sanctioned or not. But the petitioner School has not produced the same. The present writ petition also finds some force on the submission made by the learned Additional Government Pleader. A perusal of the impugned order would also show that the petitioner has been directed to submit the staff fixation order to find out whether the post of the Junior Assistant has already been sanctioned in the petitioner School.

5.The learned counsel for the petitioner submitted that the petitioner School has already sent a copy of staff fixation order along with the proposal. Even a copy of staff fixation order for the academic year 2016-2017 dated 20.09.2016 clearly shows that the post of Junior Assistant is a sanctioned post and the said post was vacant after the retirement of Rev. Sr. Albonsa on 31.05.2016.



6. Therefore this Court hereby directs the respondents to consider the proposal sent by the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of copy of this Order. Needless to say that the respondents are directed to grant all attendant benefits including the arrears of salary and allowance.

7. The writ petition is disposed of with the above direction. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary, The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.

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

3. The Chief Educational Officer,
Thiruchirappalli-620 008,
Thiruchirappalli District.

4. The District Educational Officer,
Thiruchirappalli-620 001,
Thiruchirappalli District.

+One cc to M/s. Isaac Chamber, Advocate, SR.No.76266
+One cc to The Special Government Pleader, SR.No.76158

Mrn/DSK

RL/7C/3P/MR/KKR/SAR4/6/11/2017

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