



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) Nos.2265 to 2270 of 2017

MLWA HIGHER SECONDARY SCHOOL,
RUN BY JAIN EDUCATIONAL & EMPOWERMENT TRUST,
REP. BY ITS SECRETARY S.BHAWARLAL,
NO.1 TAMIL SANGAM ROAD,
MANINAGARAM, MADURAI 1

... PETITIONER IN ALL WPs

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,
MADURAI DISTRICT, MADURAI.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
MADURAI DISTRICT, MADURAI.

... RESPONDENTS IN ALL WPs

Prayer in WP(MD). 2265/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to approve forthwith the appointment of Thiru. M.V.P. Nava Kalees as Record Clerk in the petitioner school with effect from 25.05.2016 with all attendant benefits including the Arrears of salary and Allowance.

Prayer in WP(MD). 2266/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to approve forthwith the appointment of Thiru.C.Murali Krishnan as Waterman, in the Petitioner school with effect from 25.05.2016 with all attendant benefits including the Arrears of Salary and Allowance.

Prayer in WP(MD). 2267/ 2017 :

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

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Mandamus, directing the respondents herein to approve forthwith the appointment of Tmt.N.Shanmuga Priya as Laboratory Assistant, in the Petitioner school with effect from 25.05.2016 with all attendant benefits including the Arrears of Salary.

Prayer in WP(MD). 2268/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to approve forthwith the appointment of Tmt. R. Selvi as Scavanger, in the Petitioner school with effect from 25.05.2016 with all attendant benefits including the Arrears of Salary and Allowance.

Prayer in WP(MD). 2269/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to approve forthwith the appointment of S.Sathiyarayanan as Junior Assistant, in the petitioner school with effect from 25.05.2016 with all attendant benefits including the Arrears of salary and Allowance.

Prayer in WP(MD). 2270/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to approve forthwith the appointment of M.V.P.Marresraj as Watchman, in the Petitioner school with effect from 25.05.2016 with all attendant benefits including the Arrears of Salary and Allowance.

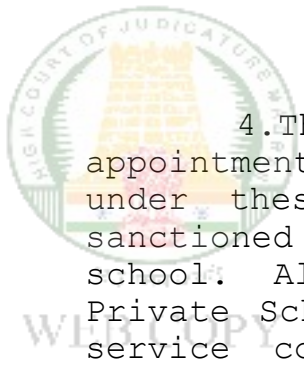
For Petitioner : Mr.K.Balasubramanian
For Respondents : Mr.K.P.Krishnadoss
Government Advocate

COMMON ORDER

The prayer made in these writ petitions is for a writ of mandamus to direct the respondents herein to approve forthwith the appointments of the petitioners in non teaching post appointed in the petitioner's school.

2.Mr.K.P.Krishnadoss, Government Advocate, accepts notice for the respondents.

3.Since the issue raised in all these writ petitions are one and the same and all the petitioners, who are non teaching staff covering under these writ petitions, respectively are working in the petitioner's school and in respect of the respective appointment of the said non teaching staff, since proposals sent by the petitioner's school are pending with the respondents, these writ petitions are decided by this common order with the consent of the learned counsel for both sides.



4. The learned counsel for the petitioners submits that the appointments made in respect of the non teaching staff covering under these writ petitions, had, in fact, been made only in sanctioned non teaching posts available with the petitioner's school. All these appointments had been made in accordance with the Private Schools Regulation Act as well as the Rules governing the service conditions of the non teaching staff. On appointment separate proposals had been sent by the petitioner's school to the 4th respondent on 26.05.2016, who is the approving authority for such appointments. However, such proposals sent by the petitioner's school are still pending consideration before the respondents, especially, the 4th respondent office. In view of the long pendency of such proposals, the petitioner school is affected because, all these appointments, since have been made in the petitioner's school in permanent vacancies, unless their appointments are approved by the respondents, the service benefits to those appointees cannot be granted. In view of the same, the petitioner's school having no option approached this Court.

5. Heard the learned Government Advocate for the respondents. He submits that though it is claimed by the petitioners that the proposals had been sent, for having appointed these people covering under these writ petitions, in non teaching posts, whether they have been appointed properly by following Rules and also each of such appointees are having the necessary qualification to hold the posts, all these verifications have to be made by the 4th respondent, then only, a decision can be taken in the said proposal.

6. This Court heard the said submissions made by both sides.

7. It is categorically claimed that all the posts, where these people had been appointed as non teaching staff at the petitioner's school, are the sanctioned posts and following the norms only, these appointments were made and proposals had already been sent in May 2016 itself. Therefore, there is no plausible reasons on the part of the respondents to keep the proposals pending without taking any decision for all these months and therefore, such inaction on the part of the respondents is unjustifiable.

8. Considering the said facts and circumstances, this Court is inclined to pass the following order in these writ petitions:

(1) The proposals sent by the petitioner's school on 26.05.2016 pertaining to the appointments made for these persons covering under these writ petitions in non teaching posts at the petitioner's school shall be considered by the 4th respondent on merits and in accordance with law and orders have to be passed by the 4th respondent thereon within a period of six weeks from the date of receipt of a copy of this order.

(2) Once such approval is given pursuant to these directions, with regard to the said appointments, it is needless to mention that those appointees are entitled to claim salary and other benefits



from the date of their appointment.

With these directions, these writ petitions are disposed of.
No costs.

WEB COPY

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

- 1 THE SECRETARY,
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,
MADURAI DISTRICT, MADURAI.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
MADURAI DISTRICT, MADURAI.

+ 2 CC TO Mr.K.BALASUBRAMANIAN, ADVOCATE IN SR No. 7531
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 7937

RR
TE/MR : 27/02/2017 : 3P/8C

W.P. (MD) Nos.2265 to 2270 of 2017
10.02.2017