



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD).Nos.3941, 3942 and 3943 of 2017
and

W.M.P. Nos.3122, 3123 of 2017, 3124, 3125 of 2017,
and 3126, 3127 of 2017

Lakshmi Harihara High School,
Elathur - 627 803,
Shencottah Taluk,
Tirunelveli District,
Through its Secretary,
K.Sailapathy Sivagnanam

... Petitioner in all WPs

Vs.

1. The Secretary to Government,
Department of School Education,
State of Tamilnadu,
Secretariat, Fort. St. George,
Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 6.
3. The District Educational Officer,
Tenkasi,
Tirunelveli District.

... Respondents in all WPs

COMMON PRAYER: Writ petitions filed under Article 226 of the Constitution of India, praying to issue Writs of Certiorarified Mandamus, calling for the records pertaining to the proceedings issued by the 3rd respondent in his proceedings O.Mu.5346/A3/2016, O.Mu.5347/A3/2016 and O.Mu.5348/A3/2016 dated 17.12.2016, and signed on 20.12.2016 respectively and quash the same and consequently directing the third respondent to accord permission to the petitioner school to fill the vacancy of Watchman, Office Assistant and Clerk respectively as per application dated 01.12.2016 within a time frame.

For Petitioner : Mr.M.P.Senthil,
in all WPs

For Respondents : Mr. J.Gunaseelan Muthiah,
Government Advocate.

**COMMON ORDER**

These writ petitions are filed challenging the proceedings issued by the 3rd respondent in O.Mu.5346/A3/2016, O.Mu.5347/A3/2016 and O.Mu.5348/A3/2016 dated 17.12.2016 and signed on 20.12.2016 respectively and quash the same and consequently to direct the third respondent to accord permission to the petitioner school to fill the vacancy of Watchman, Office Assistant and Clerk respectively as per application dated 01.12.2016 within a time frame.

2. Heard Mr.M.P.Senthil, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Government Advocate appearing for the respondents.

3. In all these cases, the petitioner school seeks approval for the appointment of non-teaching staff in the petitioner's school. The fact that the posts for which the petitioner has made appointments and submitted proposals are sanctioned posts is not in dispute.

4. The learned Government Advocate after getting instructions, submitted that in all the cases, the appointments were made only against the sanctioned posts. Learned Counsel for the petitioner also produced the proceedings of the District Educational Officer fixing the staff strength. As per the proceedings, it is demonstrated that the posts are sanctioned and the appointments were made against vacancies in sanctioned posts.

5. This court has already held that no prior permission is required before appointment of non teaching staff as against sanctioned posts. The rules framed under the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 also support the stand taken by the petitioner.

6. Hence, the writ petitions are allowed and the impugned order passed by the 3rd respondent challenged in these writ petitions namely O.Mu.5346/A3/2016, O.Mu.5347/A3/2016 and O.Mu.5348/A3/2016 dated 17.12.2016 and signed on 20.12.2016 are quashed. The 3rd respondent is directed to accord approval for the appointment of the non-teaching staff concerned in these Writ petitions with effect from the date of appointment on the applications filed by the petitioner. This exercise shall be done within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)



To

1. The Secretary to Government,
Department of School Education,
State of Tamilnadu,
Secretariat, Fort. St. George,
Chennai - 600 009.

2. The Director of School Education,
College Road, Chennai - 6.

3. The District Educational Officer,
Tenkasi,
Tirunelveli District.

+6 cc to Mr.N.Shankar Ganesh, Advocate, SR.Nos.50333,50334 & 50332
+3 cc to Special Government Pleader, SR.Nos.50951,50732 & 50974

ORDER MADE IN
W.P. (MD) .Nos.3941, 3942 and 3943 of 2017
05.04.2017

KM/MR

MKV-SKN-SAR 3/18.4.2017/3P-13C