



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2017

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) .No.4390 of 2017

P.Karunakaran

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Principal Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education.
D.P.I. Campus, College Road,
Nungambakkam,
Chennai - 600 006.
3. The Chief Educational Officer,
Trichy.
4. The District Educational Officer,
Trichy.
5. The Higher Secondary School for Boys,
Represented by its Secretary,
Srirangam - 620 006,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 4th respondent in O.Mu.No.1060/Aa5/2017, dated 10.02.2017, quash the same and direct the respondents to approve the appointment of petitioner as Watchman in the 5th respondent school with effect from 12.01.2017 with all attendant monetary benefits.

For Petitioners : Mr.R.Subramanian

For Respondents : Mr.J.Gunaseelan Muthiah
1 to 4 Government Advocate.



O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent dated 10.02.2017, quash the same and direct the respondents to approve the appointment of petitioner as Watchman in the fifth respondent school with effect from 12.01.2017 with all attendant monetary benefits.

2. Heard, Mr.R.Subramanian, learned counsel appearing for the petitioner, Mr.J.Gunaseelan Muthiah, learned Government Advocate, appearing for the respondents 1 to 4.

3. The petitioner was appointed as a watchman in the fifth respondent School, with effect from 12.01.2017. It is not in dispute that the petitioner was appointed as Watchman only against the sanctioned post.

4. The learned Government Advocate, after getting instructions has conceded the factual position that the post in which the petitioner was appointed is a sanctioned post.

5. However, the fourth respondent has returned the proposal on the ground that the management of this school is required to get prior permission from the Director of School Education.

6. The question whether prior approval is required or not before appointing a non-teaching staff in a private aided institution has already been decided in favour of the petitioner holding that no prior permission is required. The attempt of the Government by restricting or preventing the private aided institution from making appointment as against sanctioned post was the subject matter of challenge in several writ petitions and this Court has consistently allowed all the writ petitions quashing the order refusing approval or other Government Orders or instructions preventing the private aided schools from making appointment of their own as against sanctioned post.

7. Hence, following the law laid down by this Court in number of judgments, the impugned order passed by the fourth respondent in O.Mu.No.1060/Aa5/2017, dated 10.02.2017, is set aside and the respondents 1 to 3 in this writ petition is directed to accord approval to the appointment of the petitioner as "watchman" in the fifth respondent school with effect from 12.01.2017 with all monetary and other service benefits within a period of six weeks from the date of receipt of a copy of this order.



8. With the above directions, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar (Records)

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/True copy/

Sub Assistant Registrar

To

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

2.The Director of School Education.
D.P.I. Campus, College Road,
Nungambakkam,
Chennai - 600 006.

3.The Chief Educational Officer,
Trichy.

4.The District Educational Officer,
Trichy.

+1 cc to Mr.R.Subramanian, Advocate in SR.No. 59669
+1 cc to Special Government Pleader in SR.No.59749

rm/gsp
AE/SV/SAR1/21.06.2017/3P/7C

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