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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.4708 of 2017

S.Subramanian

.. Petitioner

Vs.

1.The Government of TamilNadu,
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.Vivekananda Higher Secondary School,
Represented by its Secretary,
Thirupparaithurai-639 115,
Trichy District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, calling for the records pertaining to the impugned order passed by the 4th respondent in O.Mu.No.1228/A1/2017, dated 24.02.2017, quash the same and direct the respondents to approve the appointment of petitioner as Junior Assistant in the 5th respondent school with effect from 01.02.2017 with all attendant monetary benefits.

For Petitioner : Mr.M.Saravanan

For Respondents 1 to 4 : Mr.N.S.Karathikeyan
Additional Government Pleader

O R D E R

<https://hcservices.courts.gov.in/hcservices/> Petition has been filed by the petitioner for issuance of a Writ of Certiorari Mandamus, to call for the records pertaining to the impugned order passed by the 4th



respondent in O.Mu.No.1228/A1/2017, dated 24.02.2017, quash the same and direct the respondents to approve the appointment of petitioner as Junior Assistant in the 5th respondent school with effect from 01.02.2017 with all attendant monetary benefits.

2. Heard Mr.M.Saravanan, learned Counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondents 1 to 4.

3. The petitioner was appointed as Junior Assistant in the fifth respondent School on 01.02.2017. The petitioner states that his appointment was in the sanctioned post. However, when the proposal for approving the appointment of petitioner was sent to the fourth respondent by the fifth respondent, the fourth respondent by the impugned order dated 15.02.2017, returned the proposal for representing the same with the prior permission obtained from Director of School Education.

4. This Court has consistently taken the view that no prior permission is required before making an appointment in various Non-Teaching posts in private aided institution, provided the post is sanctioned. All Government orders and executive orders preventing appointment of non teaching staffs as against sanctioned posts were quashed by this Court earlier.

5. Hence, this Writ Petition is allowed and the impugned order passed by the fourth respondent dated 15.02.2017, is quashed. Consequently, the fourth respondent is directed to approve the appointment of the petitioner with effect from 01.02.2017, and disburse salary and other monetary benefits. This exercise shall be done by the fourth respondent within a period of six weeks from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar(CS-I)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

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

2. The Director of School Education,
D.P.I.Campus, College Road,
Nungambakkam,



3.The Chief Educational Officer,
Trichy.

4.The District Educational Officer,
Trichy.

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+1cc to M/S.M.SARAVANAN, Advocate SR.No.61307

sj

MAS/MR-KKR/SAR2:04.07.2017:3P-6C

ORDER MADE IN
W.P. (MD) .No.4708 of 2017
21.06.2017(1/2)