



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2017

CORAM :

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

W.P. (MD) Nos.5459,5460,5461,7027,7028, 7065, 7085, 7087, 7521,
7522, 7885 and 8245 of 2017

and

W.M.P. (MD) Nos.5590, 5591, 5600, 5602, 6115 and 6116 of 2017

SESU RAJA JUSTIN ... PETITIONER in WP(MD) No.5459 of 2017

SUDALAI MADAN ... PETITIONER in WP(MD) No.5460 of 2017

THIRUTHUVARAJ ... PETITIONER in WP(MD) No.5461 of 2017

D.ISAAC ... PETITIONER in WP(MD) No.7027 of 2017

S.RAMESH ... PETITIONER in WP(MD) No.7028 of 2017

A.KULANDAISAMY ... PETITIONER in WP(MD) No.7065 of 2017

B.R.JENISHA SONI MOL ... PETITIONER in WP(MD) No.7085 of 2017

M.BAI ... PETITIONER in WP(MD) No.7087 of 2017

ISRAEL PACKIARAJ ... PETITIONER in WP(MD) No.7521 of 2017

K.GANESHAMOORTHY ... PETITIONER in WP(MD) No.7522 of 2017

K.LAWRENCE JUSTIN ROY ... PETITIONER in WP(MD) No.7885 of 2017

THE SECRETARY

KSHATRIYA NADAR HIGHER SECONDARY SCHOOL

KAMUTHI,

RAMANATHAPURAM DISTRICT ... PETITIONER in WP(MD) No.8245 of 2017



-VS-

1 STATE OF TAMIL NADU
THROUGH ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF SCHOOL EDUCATION,
SECRETARIAT, FORT ST. GEORGE, CHENNAI-9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, CHENNAI-6.

3 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.

4 THE CORRESPONDENT
TNDTA R.M.P. PULAMADAN CHETTIAR NATIONAL
HIGHER SECONDARY SCHOOL, SATTANKULAM-628704
THOOTHUKUDI DISTRICT

... RESPONDENTS in WP(MD) Nos.5459 of 2017,
5460 of 2017 and 5461 of 2017

1 THE SECRETARY TO THE GOVERNMENT,
STATE OF TAMILNADU,
DEPARTMENT OF SCHOOL EDUCATION,
FORT.ST.GEORGE, CHENNAI 9.

2 THE DIRECTOR OF SCHOOL EDUCATION (SECONDARY)
COLLEGE ROAD, CHENNAI-6.

3 THE DISTRICT EDUCATIONAL OFFICER,
CHERANMADEVI EDUCATIONAL DISTRICT,
TIRUNELVELI, TIRUNELVELI DISTRICT.

4 THE SECRETARY
K.A.M.P.MEERANIA HIGHER SECONDARY SCHOOL,
KALAKADU 627 501,
TIRUNELVELI DISTRICT.

... RESPONDENT in
WP(MD) Nos.7027 of 2017
7028 of 2017

1 THE GOVT. OF TAMIL NADU
REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI - 9

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI - 6.

3 CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
TIRUCHIRAPALLI DISTRICT.



4 DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
TIRUCHIRAPALLI - 620 008

5 THE CORRESPONDENT,
SACRED HEART HIGHER SECONDARY SCHOOL,
PONMALAIPATTI,
TIRUCHIRAPALLI - 620 004

... RESPONDENT in
WP(MD) No.7065 of 2017

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,
KANYAKUMARI DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

5 THE CORRESPONDENT,
DUTHIE HIGHER SECONDARY SCHOOL FOR GIRLS,
NAGERCOIL - 629 001 KANYAKUMARI DISTRICT.

... RESPONDENTS in WP(MD) Nos.7085 of 2017
and 7087 of 2017

1 THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, STATE OF TAMIL NADU,
ST.FORT GEORGE, CHENNAI - 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI 6.

3 THE DISTRICT EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT, TIRUNELVELI.

4 THE CORRESPONDENT,
SARAH TUCKAR HR.SEC.SCHOOL FOR GIRLS,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

... RESPONDENTS in WP(MD) No.7521 of 2017



1 THE SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT, STATE OF TAMIL NADU
ST.FORT GEORGE, CHENNAI - 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI 6.

3 THE DISTRICT EDUCATIONAL OFFICER,
TENKASI, TIRUNELVELI DISTRICT.

.. RESPONDENTS in WP(MD) No.7522 of 2017

1 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST.GEORGE, CHENNAI-09.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

3 THE CHIEF EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT, NAGERCOIL-01.

4 THE DISTRICT EDUCATIONAL OFFICER,
NAGERCOIL-01, KANYAKUMARI DISTRICT.

5 THE CORRESPONDENT
CARMEL HIGHER SECONDARY SCHOOL, NAGERCOIL-04
KANYAKUMARI DISTRICT.

... RESPONDENTS in WP(MD) No.7885 of 2017

1 THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMILNADU,
EDUCATION DEPARTMENT, FORT.ST.GEORGE, CHENNAI-9.

2 THE DIRECTOR OF SCHOOL EDUCATION (HIGHER SECONDARY)
CHENNAI-6.

3 THE CHIEF EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.



Prayer in WP(MD) No.5459 of 2017:

Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus or any other order or orders in the nature of writ directing the respondents 1 to 3 to approve petitioner's appointment as watchman in 4th respondent school from the date of joining on 15.10.2016 and to pay all the service and monetary benefits by sanctioning grant within stipulated time on the proposal submitted by the 4th respondent on 1.12.2016.

Prayer in WP(MD) No.5460 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a writ of mandamus or any other order or orders in the nature of writ directing the respondents 1 to 3 to approve petitioner's appointment as Scavenger in 4th respondent school from the date of joining on 4.8.2016 and to pay all the service and monetary benefits by sanctioning grant within stipulated time; on the proposal submitted by the 4th respondent on 19.08.2016 and pass any other orders or orders.

Prayer in WP(MD) No.5461 of 2017:

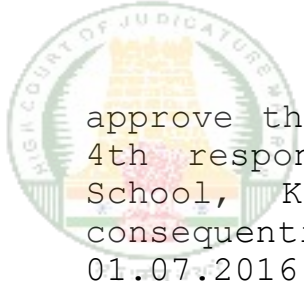
Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a writ of mandamus or any other order or orders in the nature of writ directing the respondents 1 to 3 to approve petitioner's appointment as Gardener cum Sweeper in 4th respondent school from the date of joining on 10.11.2016 and to pay all the service and monetary benefits by sanctioning grant within stipulated time on the proposal submitted by the 4th respondent on 1.12.2016.

Prayer in WP(MD) No.7027 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a Writ of Certiorarified Mandamus to call for entire records connected with the impugned order passed by the 3rd respondent in O.Mu.No.4749/Aa4/2015 dated 11.04.2017 and quash the same and directing the 3rd respondent to approve the appointment of the petitioner as Junior Assistant in the 4th respondent school namely K.A.M.P.Meerania Higher Secondary School, Kalakadu - 627 501, Tirunelveli District with all consequential monetary benefits and salary with effect from 01.09.2015.

Prayer in WP(MD) No.7028 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a Writ of Certiorarified Mandamus to call for entire records connected with the impugned order passed by the 3rd respondent in O.Mu.No.577/Aa4/2017 dated 11.04.2017 and quash the same and directing the 3rd respondent to



approve the appointment of the petitioner as Record Clerk in the 4th respondent school namely K.A.M.P.Meerania Higher Secondary School, Kalakadu - 627 501, Tirunelveli District with all consequential monetary benefits and salary with effect from 01.07.2016.

Prayer in WP(MD) No.7065 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court To issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 20.11.2013 in A.Thi.Mu.No.4950/AA2/2013 on the file of the 4th respondent and quash the same, directing the respondents to accord approval to the appointment of the petitioner Mr.A.Kulandaisamy as Office Assistant in Sacred Heart Higher Secondary School, Ponmalaipatti, Tiruchirappalli - 624 004, w.e.f. 15.06.2012 with all monetary and other service benefits.

Prayer in WP(MD) No.7085 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 4th respondent herein in O.Mu.No.1324/A4/2017 dated 28.03.2017, Quash the Same, and further Direct the 4th respondent herein to approve forthwith the appointment of petitioner as Junior Assistant in the 5th respondent-school from 29.08.2016 onwards with salary and other attendant benefits.

Prayer in WP(MD) No.7087 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of a Writ, calling for the records relating to the impugned order issued by the 4th respondent herein in O.Mu.No.4886/A4/2017 dated 28.03.2017, quash the same, and further direct the 4th respondent herein to approve forthwith the appointment of petitioner as Office Assistant in the 5th respondent-school from 03.08.2015 onwards with salary and other attendant benefits.

Prayer in WP(MD) No.7521 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a writ of Certiorarified Mandamus call for the records in respect of order passed by the 3rd respondent in O.Mu.No.1374/B5/2017 dated 10.04.2017 and quash the same and consequently direct the 3rd Respondent to approve the appointment of the petitioners from 02.03.2017 and further direct the respondents to disburse all service and monitory benefits to the petitioner from 02.03.2017.

Prayer in WP(MD) No.7522 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a writ of Certiorarified Mandamus call for the records in respect of order passed by the 3rd respondent in O.Mu.No.0872/A1/2017 dated 31.03.2017 and quash the same and consequently direct the 3rd Respondent to approve the appointment proposal dated 27.03.2017 in accordance with the procedure established under Tamil Nadu Private School Regulation Act.

Prayer in WP(MD) No.7885 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent District Educational Officer in Na.Ka.No. 258/A4/2014 dated 08.07.2014 and A.Thi.Mu.No. 07190/Aa1/2016 dated 23.01.2017, Quash the same and further Direct the 4th respondent District Educational Officer to approve forthwith the appointment of the petitioner as Junior Assistant in the 5th respondent school w.e.f., 01.06.2013 with all attendant benefits including arrears of salary and allowances.

Prayer in WP(MD) No.8245 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this court To issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned proceedings of the 4th respondent in A.Dhi.Mu.No.1633/A4/17 dated 18.4.2017 and quash the same and consequently direct the 4th Respondent to give permission to the petitioner school to appoint Record Clerk in the sanctioned post by considering the proposal of the petitioner school dated 23.3.2017.

For Petitioner :Mr.T.A.Ebenezer in WP(MD) NO.5459 to 5461
of 2017

:Mr.S.Xavier Rajini in WP(MD) NO.7885/ 2017
:Mr.K.K.Kannan in WP(MD) NO.7027 and 7028/ 2017
:Mr.V.John Kennedy in WP(MD) NO.7065 / 2017
:Mr.E.V.N.Siva in WP(MD) NO.7085 and 7087 / 2017
:Mr.RengaDurai in WP(MD) NO.7521 and 7522/2017

:Mr.N.Kameshwaran for Mr.R.Devaraj
in WP(MD) No.8245/2017

For Respondents :Mr.J.Gunaseelan Muthiah, Government Advocate
in WP(MD) Nos.7065 and 8245/2017

:Mr.C.Selvaraj, Special Government Pleader in
WP(MD) Nos.5459 to 5461, 7885, 7027, 7028, 7085,
7087, 7521 and 7522/ 2017.



C O M M O N O R D E R

Since the issue involved in all these Writ Petitions is one and the same, by consent of all the parties, a Common Order is passed.

2.The petitioners in these Writ Petitions are either the concerned non-teaching staff or the school in which a non-teaching staff was appointed as against sanctioned post.

3.The fact that the appointments were made against the sanctioned posts, is admitted by the respondent.

4. 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.

5.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 on their own as against sanctioned post.

6.Hence, following the law laid down by this Court, in number of judgments, the respondents 1 to 3 in these writ petitions are directed to accord approval to the appointment of non-teaching staff in the private aided institution with effect from the date of appointment, with all monetary and other service benefits within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, these Writ Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

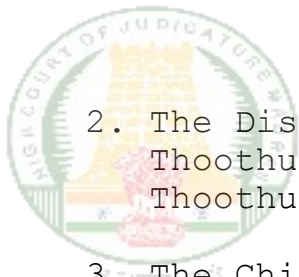
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-9.



2. The District Educational Officer,
Thoothukudi District,
Thoothukudi.
3. The Chief Educational Officer,
Kanyakumari District,
Nagercoil-629 001.
4. The District Educational Officer,
Nagercoil -629 001,
Kanyakumari District.
5. The District Educational Officer,
Cheranmadevi Educational District,
Tirunelveli, Tirunelveli District.
6. The Director of School Education,
DPI Campus, College Road,
Chennai-6.
7. The Chief Educational Officer,
Office of the Chief Educational Officer,
Tiruchirapalli District.
8. The District Educational Officer,
Office of the District Educational Officer,
Tiruchirapalli-620 008.
9. The Chief Educational Officer,
Kanyakumari District.
10. The District Educational Officer,
Tirunelveli District,
Tirunelveli.
11. The District Educational Officer,
Tenkasi, Tirunelveli District.
12. The Director of School Education,
(Secondary), College Road, Chennai-6.
13. The Director of School Education,
(Higher Secondary),
Chennai-6.
14. The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District,
15. The District Educational Officer,
Paramakudi, Ramanathapuram District.



+3 CC to M/s.T.A.EBENEZER, Advocate, SR No. 58749, 58750, 58751
 +2 CC to M/s.K.K.KANNAN, Advocate, SR No. 58683, 58684
 +2 CC to M/s.E.V.N.SIVA, Advocate, SR No. 58963, 58964
 +2 CC to M/s.R.RENGADURAI, Advocate, SR No. 58708, 58707
 +1 CC to M/s.S.XAVIER RAJINI, Advocate, SR No. 59054
 +1 CC to M/s.R.DEVARAJ, Advocate, SR No. 58894
 +1 CC to M/s.V.JOHN KENNEDY, Advocate, SR No. 58758
 +1 CC to THE SPECIAL GOVERNMENT PLEADER , SR No. 58861, 58849,
 58850, 58855, 58847, 58848

CMR/GSP

PSM/JC/SAR2/27.06.2017/10P/29C

ORDER IN

W.P. (MD) Nos.5459,5460,5461,7027,7028, 7065, 7085, 7087, 7521,7522,
 7885 and 8245 of 2017

and

W.M.P. (MD) Nos.5590, 5591, 5600, 5602, 6115 and 6116 of 2017
 06.06.2017