



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

CORAM :

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

W.P.(MD).No.5809 of 2017

WEB COPY

I.Emimal jeeva

... Petitioner

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,
St.Michael's Higher Secondary School,
Mudalur-628 702,
Thoothukudi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to approve petitioner's appointment as Office Assistant in 4th respondent school from the date of joining on 12.03.2013 and pay all the service and monetary benefits by sanctioning grant within stipulated time on the proposal submitted by the 4th respondent on 26.03.2016.

For Petitioner

: Ms.T.A.Ebenezer

For Respondents

: Mr.N.S.Karthikeyan,

Additional Government Pleader.

O R D E R

This Writ Petition has been filed by the petitioner for issuance of a a Writ of Mandamus, directing the respondents 1 to 3 to approve the petitioner's appointment as Office Assistant in fourth respondent school from the date of joining on 12.03.2013, and to pay all the service and monetary benefits by sanctioning grant within stipulated time on the proposal submitted by the fourth respondent on 26.03.2016.

2.Heard Ms.T.A.Ebenezer, learned Counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader, appearing for the respondents.



3. The learned counsel for the petitioner submitted that the fourth respondent School is an aided Religious Minority Institution. The petitioner was appointed as Office Assistant on 12.03.2013 in the fourth respondent School and the post is a sanctioned post. The appointment was due to the vacancy that arose because of the retirement of one Mr.G.Samuel Soundirarajan. The appointment of the petitioner was not approved, despite the proposal being submitted by the fourth respondent on 26.03.2016. The proposal is kept pending only on the ground that the approval for appointment is not obtained.

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, if the post in which the appointment is made, is a sanctioned post. Hence this Writ Petition is allowed. The third respondent is directed to approve the petitioner's appointment with effect from the date of appointment with all service and monetary benefits by sanctioning grant within a period of six weeks from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government
State of Tamil Nadu,
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.

+1cc to M/S.T.A.Ebenezer, Advocate SR.No. 52854

W.P. (MD) .No.5809 of 2017
19.04.2017

JM/MMS/SAR 3/17.05.2017/2P/5C