



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

CORAM :

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

W.P.(MD).No.5812 of 2017

and

W.M.P.(MD).No.4613 of 2017

R.Jebarson Durai

... 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.Mary's Higher Secondary School,
Sawyerpuram-628 251,
Thoothukudi District.

... Respondents

Prayer: 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 order passed by the 3rd respondent in his proceedings in O.Mu.No.4718/A5/16 dated 14.02.2017 and quash the same as illegal and consequently direct the respondents to approve the petitioner appointment in 4th respondent school as Gardener cum Sweeper from the date of joining on 19.04.2016 and to pay all the service and monetary benefits by sanctioning grant within stipulated time.

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 Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent in his proceedings dated 14.02.2017, and to quash the same as illegal and consequently direct the respondents to approve the petitioner appointment in fourth respondent school as Gardener cum Sweeper from the date of joining on 19.04.2016, and to pay all the service and monetary benefits by sanctioning grant within stipulated time.

2.Heard Ms.T.A.Ebenezer, learned Counsel appearing for
<https://hservices.ecourtstgvtm/reservices/> 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 Gardener cum Sweeper on 19.04.2016 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.E.Komban. The appointment of the petitioner was not approved, despite the proposal being submitted by the fourth respondent on 16.08.2016. 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. Consequently, the connected W.M.P. (MD) No.4613 of 2017 is closed.

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.52857

W.P. (MD) .No.5812 of 2017
and
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19.04.2017