



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.5954 of 2017

and

W.M.P. (MD) Nos.4693 & 4694 of 2017

The Correspondent,
Annai Indira Gandhi Memorial
Higher Secondary School,
Muthukulam, N.Kuttapaatu Post,
Trichy-620 009.

... Petitioner

Vs.

1. The State of Tamilnadu
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,
Trichy District at Trichy.
4. The District Educational Officer,
Trichy, Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 4th respondent, District Educational Officer in A.Thi.Mu.No.1118/A4/17 dated 20.03.2017, quash the same and further direct the 4th respondent District Educational Officer to approve forthwith the appointment of A.Mary Soniya as Office Assistant in the petitioner school w.e.f., 01.06.2016 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.Xavier Rajini

For Respondents : Mr.J.Gunaseelan Muthiah
Government Advocate

**ORDER**

This Writ Petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 4th respondent, District Educational Officer in A.Thi.Mu.No.1118/A4/17 dated 20.03.2017, quash the same and further direct the 4th respondent District Educational Officer to approve forthwith the appointment of A.Mary Soniya as Office Assistant in the petitioner school w.e.f., 01.06.2016 with all attendant benefits including arrears of salary and allowances.

2. Heard, Mr.S.Xavier Rajini, learned counsel appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Government Advocate appearing for the respondents.

3. The petitioner in this Writ petition appointed one A.Mary Soniya, as Office Assistant in the petitioner's School.

4. The crucial fact whether the appointment was against the sanctioned post was directed to be verified by the learned Government Advocate and the learned Government Advocate after getting instructions, has conceded the factual position that the said A.Mary Soniya, to whom the approval is sought for was appointed as against the sanctioned post. In this case, the appointment is made by the petitioner, a private school getting aid from the Government.

5. 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 on their own as against sanctioned post.

6. Hence, following the law laid down by this Court in number of Judgments, this Writ petition is allowed and the impugned order in A.Thi.Mu.No.1118/A4/17 dated 20.03.2017, passed by the fourth respondent is set aside. The fourth respondent, namely, the District Educational Officer, Trichy District, in this Writ petition is directed to accord approval to the appointment of the said A.Mary Soniya as Office Assistant in the petitioner's school, as a private aided institution with effect from the date of joining in service with all monetary and other service benefits



within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)

WEB COPY

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamilnadu,
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,
Trichy District at Trichy.
4. The District Educational Officer,
Trichy, Trichy District.

+1 cc to Mr.S.Xavier Rajini , Advocate in SR.No. 62249

PJL

AE/MR KKR/SAR3/06.07.2017/3P/6C

W.P. (MD) .No.5954 of 2017
28.06.2017