



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.6350 of 2017

WEB COPY

P.Sudalaimani

... Petitioner

Vs.

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,
St.John's Higher Secondary School,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records in respect of order passed by 3rd respondent in Na.Ka.no.3907/A4/2014 dated 04.10.2014 and quash the same and consequently direct the 3rd Respondent to approve the appointment of the petitioners from 02.08.2014 and further direct the respondents to disburse all service and monitory benefits to the petitioner from 02.08.2014.

For Petitioner : Mr.Renga Durai

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, to call for the records in respect of order passed by third respondent dated 04.10.2014, and quash the same and consequently to direct the third respondent to approve the appointment of the petitioners from 02.08.2014 and further direct the respondents to disburse all service and monitory benefits to the petitioner from 02.08.2014.



2. Heard Mr. Renga Durai, learned Counsel appearing for the petitioner and Mr. N. S. Karthikeyan, Additional Government Pleader, appearing for the respondents.

3. The learned counsel for the petitioner submitted that the fourth respondent School is a aided Religious Minority Institution. The petitioner was appointed as Scavanger on 02.08.2014 in the fourth respondent School and the post is a sanctioned post. The appointment was due to the vacancy, because of the retirement of one Mr. K. Subban. The appointment of the petitioner was not approved, despite the proposal being submitted by the fourth respondent on 02.08.2014. 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 (CS-III)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

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.

+1 CC TO MR. RENGADURAI, ADVOCATE, SR NO. 52732

CMR/GSP

MAS/SV-MMS/SAR4:17.05.2017:2P-5C

W.P. (MD) .No. 6350 of 2017
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