



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.06.2017
CORAM

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

WEB COPY

W.P. (MD) .No.6621 of 2017
and
W.M.P. (MD) .No.5211 of 2017

K.Shenbagaraman

.. Petitioner

Vs.

1.The District Educational Officer,
Cheranmadevi @ Tirunelveli,
Tirunelveli District.

2.The Secretary,
Pannai Venkataramier High School,
Gopalasamudram,
Tirunelveli District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his proceedings in O.Mu.No.865/A3/2017 dated 21.03.2017 and quash the same and direct the respondents to approve the appointment of the petitioner as a Waterman from the date of appointment i.e. 02.01.2017 with all the consequential benefits.

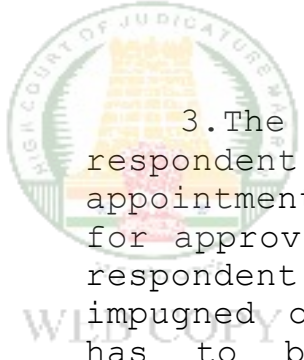
For Petitioner : Mr.V.Panneer Selvam

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 pertaining to the order passed by the 1st respondent in his proceedings in O.Mu.No.865/A3/2017 dated 21.03.2017 and quash the same and direct the respondents to approve the appointment of the petitioner as a Waterman from the date of appointment i.e. 02.01.2017 with all the consequential benefits.

2.Heard Mr.V.Panneer Selvam, learned Counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the 1st respondent.



3. The petitioner was appointed as Watchman in the second respondent School on 02.01.2017. The petitioner states that his appointment was in the sanctioned post. However, when the proposal for approving the appointment of petitioner was sent to the first respondent by the second respondent, the first respondent by the impugned order dated 21.03.2017, informed that prior permission has to be obtained from the Department before making any appointment, and that the appointment cannot be accepted in view of the Government order imposing a ban for appointing any non teaching staff receiving grant in aid.

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, provided the post is sanctioned. All Government orders and executive orders preventing appointment of non teaching staffs as against sanctioned posts were quashed by this Court earlier.

5. Hence, this Writ Petition is allowed and the impugned order passed by the first respondent dated 21.03.2017, is quashed. Consequently, the first respondent is directed to approve the appointment of the petitioner with effect from 02.01.2017, and disburse salary and other monetary benefits. This exercise shall be done by the first respondent within a period of six weeks from the date of receipt of a copy of this order. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1. The District Educational Officer,
Cheranmadevi @ Tirunelveli,
Tirunelveli District.

+1 cc to Mr.V.Panneer Selvam , Advocate in SR.No. 61766

sj
AE/JC/SAR1/03.07.2017/2P/3C