



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.06.2017
CORAM

THE HONOURABLE MR. JUSTICE S. S. SUNDAR

W.P. (MD).Nos.6662 and 6663 of 2017

and

W.M.P (MD). Nos.5235 and 5236 of 2017

The Correspondent,
St. Joseph's Girls Higher Secondary School,
Cruzpuram - 628 001,
Tuticorin District.

.. Petitioner in both Writ Petitions

Vs.

- 1.The Director of School Education,
College Road, Chennai - 600 009.
- 2.The Chief Education Officer,
Tuticorin, Tuticorin District.
- 3.The District Educational Officer,
Tuticorin,
Tuticorin District

.. Respondents in both Writ Petitions

PRAYER in W.P (MD).No.6662 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent District Educational Officer herein to approve the appointment of A.Sathya as Lab Assistant in the petitioner school, w.e.f., the date of her appointment viz., 01.02.2016, with all attendant benefits including the arrears of salary and allowance.

PRAYER in W.P (MD).No.6663 of 2017 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent District Educational Officer herein to approve the appointment of V.Thereseammal as Office Assistant in the petitioner School, w.e.f., the date of her appointment viz., 01.06.2016, with all attendant benefits including the arrears of salary and allowance.

For Petitioner in both W.Ps

: Sis.A.Amala for

M/s.T.Cibi Chakraborty

For Respondents in both W.Ps

: Mr. N.S.Karthikeyan,

Additional Government Pleader

O R D E R

These Writ Petitions have been filed by the petitioner for issuing a Writ of Mandamus, directing the third respondent, District Educational Officer herein, to approve the appointments of A.Sathya as Lab Assistant and V.Thereseammal as Office Assistant in the petitioner school, with effect from the date of their appointments viz., 01.02.2016 and 01.06.2016 respectively,



with all attendant benefits, including the arrears of salary and allowance.

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

3. The facts of the case is that the petitioner school has appointed non-teaching staff namely, one A.Sathya in the post of Lab Assistant and V.Thereseammal as Office Assistant on 01.02.2016 and 01.06.2016 respectively. The fact that the posts are sanctioned posts and fell vacant due to the retirement of the previous incumbent is not in dispute. The proposals sent by the petitioner School for approval of appointments have not been considered, only on the ground that the petitioner has not produced any approval order that was granted by the Director of School Education. The question as to whether the Private Aided Minority School is required to get prior permission or approval from the Directorate of Collegiate Education before the appointment of non-teaching staff is no more *res-integra* and this Court has consistently taken a view that the person, when appointed in the sanctioned post, approval of appointment cannot be rejected on the ground that prior approval was not obtained.

4. Hence, having regard to the consistent view taken by this Court and the law laid down by this court in catena of cases, these Writ Petitions are allowed. The third respondent is directed to approve the appointments of A.Sathya as Lab Assistant and V.Thereseammal as Office Assistant respectively in the petitioner School from the date of their respective appointment on 01.02.2016 and 01.06.2016, with all service benefits including the arrears of salary and other allowances. This exercise shall be done within the period of six weeks from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of School Education,
College Road, Chennai - 600 009.

2. The Chief Education Officer, Tuticorin, Tuticorin District.

3. The District Educational Officer, Tuticorin, Tuticorin District
+2 ccs to Mr.T.Cibi Chakraborty, Advocate, SR.Nos.60294 & 60293
+One cc to The Special Government Pleader, SR.No.60184

KM/GNS

RL/7C/2P/KP/SAR2/10/7/2017

ORDER MADE IN

W.P. (MD) .Nos.6662 and 6663 of 2017

and

W.M.P (MD) . Nos.5235 and 5236 of 2017

13.06.2017