

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 25.04.2017**

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CORAM**THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) .No.7373 of 2017****and****W.M.P. (MD) .No.5790 of 2017**

K.Natarajapillai Memorial
Madurai Pillaimar Sangam Higher Secondary School,
Rep. By its Secretary,
S.Murugan,
Sammattypuram,
Madurai-625 010.

...Petitioner

Vs.

1. The Director of School Education (Secondary),
College Road, Chennai-600 006.

2. The District Educational Officer,
Madurai-625 002.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by 2nd respondent in O.Mu.No.1401/A3/2015 dated 06.04.2017 and to quash the same as illegal and in violation of principles of natural justice and consequently to direct the 2nd respondent to approve the appointment of S.Venkatesh as Night Watchman in the petitioner school w.e.f.01.09.2016 with all consequential monetary benefits and arrears of salary as per the proposal submitted by the school dated 03.03.2017, within the time limit fixed by this Court.

For Petitioner : M/s.S.M.Anusha

For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader.

O R D E R



records relating to the impugned order passed by second respondent, dated 06.04.2017, and to quash the same as illegal and is in violation of principles of natural justice and to consequently, to direct the second respondent to approve the appointment of S.Venkatesh as Night Watchman in the petitioner school w.e.f. 01.09.2016, with all consequential monetary benefits and arrears of salary as per the proposal submitted by the school dated 03.03.2017, within the time limit fixed by this Court.

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

3. It is the case of the petitioner that one S.Venkatesh was appointed as a Night Watchman on 01.09.2016, in the vacant place that arose on account of the retirement of one S.Manickammari. When the proposal for approval of appointment of S.Venkatesh, was forwarded to the second respondent on 03.03.2017, the second respondent rejected the application on the ground that the petitioner's School did not get prior approval from the second respondent.

4. This Court, in number of judgments has pointed out that the respondent, cannot insist to obtain prior approval, when the appointment is made against the sanctioned post. As a matter of fact, this Court has quashed the Government Order, letter and clarifications issued by the official respondents preventing the private school to appoint a person against the sanctioned post without the prior approval of the respondents.

5. Following the precedents, the Writ Petition is allowed. The order passed by the second respondent vide his proceedings in O.Mu.No.1401/A3/2015, dated 06.04.2017, is quashed. Consequently, the second respondent is directed to approve the appointment of S.Venkatesh, as Night Watchman in the petitioner's School with effect from 01.09.2016, with all consequential and monetary benefits and arrears of salary, within a period of eight weeks from the date of receipt of a copy of this order. No Costs. Consequently, the connected W.M.P.(MD)No. 5790 of 2017 is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

<https://hsrtds.easyschools.gov.in/> of School Education (Secondary),
College Road, Chennai-600 006.



2. The District Educational Officer,
Madurai-625 002.

+1cc to M/s.S.M.Anusha, Advocate Sr.No.53898

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