



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDARW.P.(MD).No.8082 of 2017

WEB COPY

Sharmila Priyadharshini

...Petitioner

Vs.

1.The State of Tamil Nadu,
Through its Secretary to Government,
Department of School Education,
Secretariat, Fort St.George,
Chennai -9.

2.The Director of School Education,
DPI Campus, Chennai - 6.

3.The District Educational Officer,
Thoothukudi District, Thoothukudi.

4.The Correspondent,
Bishop Azariah Memorial Higher Secondary School,
Vellalanvilai-628219,
Thoothukudi District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to approve the petitioner's appointment as Lab Assistant in 4th respondent school from the date of joining on 03.03.2017 and to pay all the service and monetary benefits by sanctioning grant within stipulated time on the proposal submitted by the 4th respondent on 27.03.2017.

For Petitioner

:Mr.T.A.Ebenezer

For R-1 to R-3

:Mr.C.Selvaraj,

Special Government Pleader.

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to approve the petitioner's appointment as Lab Assistant in 4th respondent school from the date of joining on 3.3.2017 and to pay all the service and monetary benefits by sanctioning grant within stipulated time on the proposal submitted by the 4th respondent on 27.03.2017.

2. Heard, Mr.T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The petitioner in this Writ petition was appointed as Lab Assistant by the fourth respondent.



4. The crucial fact whether the appointment was against the sanctioned post was directed to be verified by the learned Special Government Pleader and the learned Special Government Pleader after getting instructions, has conceded the factual position that the petitioner to whom the approval is sought for was appointed as against the sanctioned post. In this case, the appointment is made by the fourth respondent, 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, the third respondent, namely, the District Educational Officer, Thoothukudi District, in this Writ petition is directed to accord approval to the appointment of the petitioner as Lab Assistant in the fourth respondent school which is 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.

7. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Department of School Education, Secretariat,
Fort St.George, Chennai -9.
- 2.The Director of School Education, DPI Campus,
Chennai - 6.
- 3.The District Educational Officer, Thoothukudi District,
Thoothukudi.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.61200

+1cc to M/s. T.A.EBENEZER Advocate in SR. No.600866

<https://hcservices.ecourts.gov.in/hcservices/>

JS/GT/SAR.1/29.06.2017/2P-6C

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19.06.2017