



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20345 of 2016

and

W.M.P (MD) No.14552 of 2016

The Correspondent,
St.Aloysius Higher Secondary School,
Royappanpatty,
Theni District - 625 526.

: Petitioner

Vs.

1.The State of Tamil Nadu rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Theni, Theni District.

4.The District Educational Officer,
Uthamapalayam, Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the fourth respondent District Educational Officer to approve forthwith the appointment of M.Sebastian as Office Assistant in the petitioner school w.e.f., 01.03.2012 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the fourth respondent District Educational Officer to approve forthwith the appointment of M.Sebastian as Office Assistant in the petitioner's school w.e.f. 01.03.2012 with



all attendant benefits including the arrears of salary and allowance.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that the petitioner's school appointed Mr. M. Sebastian as Office Assistant in their school w.e.f 01.03.2012. The petitioner has sent a proposal to the fourth respondent to approve the appointment of the said Mr. M. Sebastian as Office Assistant, on 26.09.2012. But the fourth respondent has returned the proposal directing to resubmit the same along with certain particulars and documents. Thereafter, the petitioner re-submitted the proposal to the fourth respondent stating that since the school being a Minority Educational Institution, there is no necessity to obtain prior permission from the Director to fill up the sanctioned vacant post. Since the same was not considered, the petitioner submitted a reminder to the fourth respondent on 15.09.2015 and the same has also not been considered so far. According to the petitioner, as per Tamil Nadu Recognized Private Schools (Regulation Act), no prior permission is required to fill up the post of Office Assistant.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that the issue involved in the writ petition has already been decided by this Court in Writ Petitions in WP(MD) Nos. 10233 to 10235 of 2016 dated 22.06.2016.

5. The learned Additional Government Pleader has not disputed the above said submission made by the learned counsel for the petitioner.

6. Therefore, in the light of the orders passed in WP(MD) Nos. 10233 to 10235 of 2016, dated 22.06.2016, the writ petition is allowed and the respondents are directed to approve the appointment of non teaching staff in the petitioner's school and to sanction grant, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1.The Secretary,
Department of School Education,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Theni, Theni District.

4.The District Educational Officer,
Uthamapalayam, Theni District.

+1 cc to MR.T.CIBI CHAKRABORTHY, Advocate SR.No.63566

+1 cc to Government Pleader SR.No.63299

ORDER MADE IN
W.P(MD)No.20345 of 2016
and
W.M.P(MD)No.14552 of 2016
24.10.2016

SMA/SS-2/18.11.2016:3P/7C