

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7080 of 2018

and

WMP.No.8778 & 8779 of 2018

St.Joseph's Girls Higher Secondary School,
Rep. by its Correspondent,
L.Yoogini Fatima Mery,
Arani - 632 301,
Thiruvannamalai District. Petitioner

-Vs.-

- 1.The Director of School Education,
D.P.I. Campus,
College Road,
Chennai.
- 2.The District Educational Officer,
Office of the District Educational Officer,
Cheyyar 604 401,
Thiruvannamalai District. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the records on the file of the second respondent in ref.O.Mu.No.5355/A4/2017 dated 14.12.2017, quash the same and consequently direct the respondents to grant approval to the appointment of Ms.Mallika to the sanctioned post of Scavenger (Part Time) with effect from 01.06.2012 with all consequential benefits.

For Petitioner :: M/s.Dakshayani Reddy
For Respondents :: Mr.C.Munusamy, Spl. GP
for R1 & R2

O R D E R

The relief sought for in this writ petition is to call for the records on the file of the second respondent in ref. O.Mu.No.5355/A4/2017 dated 14.12.2017, quash the same and consequently direct the respondents to grant approval to the appointment of Ms.Mallika to the sanctioned post of Scavenger (Part Time) with effect from 01.06.2012 with all consequential benefits.

2.The claim of the writ petitioner is that Ms.Mallika was appointed in a sanctioned post and in spite of that approval of the appointment was not granted.

3.The grievances of the writ petitioner is that Ms.Mallika, was appointed in accordance with the Rules and procedures in a sanctioned post and therefore, she is entitled for approval of appointment in accordance with the Act and Rules. The proposals were also submitted by the respective Management seeking approval of appointment.

4.When the matter is taken up for hearing, the learned Government Advocate appearing on behalf of the respondents filed the report submitted by the first respondent and paragraphs 3 and 4 of the report are extracted hereunder:

"3.It is further submitted that the Government of Tamil Nadu has issued Orders in G.O.Ms.No.64, School Education (SE 6 (1) Department, dated 03.04.2018 lifting the ban for according approval to the appointment in the non-teaching posts in Government aided schools. The first respondent in pursuance of the direction of the Hon'ble High Court made in the above said W.P.No.7077 to 7080 of 2018, dated 03.04.2018 has issued detailed circular in the proceedings Rc.No.33112/D1/S4/2013, dated 04.04.2018 reiterating to strictly follow up the conditions laid down in the above said circular, while giving appointment approval of non-teaching posts by the District Educational Officers in Government aided Schools.

4.The copy of the said G.O.Ms.No.64, School Education (SE 6(1) Department dated 03.04.2018 and the proceedings issued by the first respondent in Rc.No.33112/D1/S4/2013, dated 04.04.2018 and annexed herewith for kind perusal of Hon'ble High Court."

5.On a perusal of the above, it is seen that the Government issued G.O.Ms.No.64, School Education Department dated 03.04.2018 and the Director of School Education issued a circular on 04.04.2018, setting out the procedure for grant of approval in accordance with the Act and Rules. Clause 7 of the circular categorically enumerated that the competent authorities if violates the procedures, disciplinary proceedings will be initiated against those officials, who are committing any such violations. Thus, it is made clear that the approval of appointment has to be granted by following the Act and Rules.

6.This being the factum of the case, the case of the writ petitioner is to be considered in the light of the Government Order and the circular issued by the Director of School Education and accordingly, the decisions are to be taken and

orders are to be issued, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSII)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
D.P.I. Campus,
College Road,
Chennai.

2. The District Educational Officer,
Office of the District Educational Officer,
Cheyyar 604 401,
Thiruvannamalai District.

+1cc to Government Pleader SR.No.26279

+1cc to M/s.Dakshayani Reddy, Advocate SR.No.25808

SG(CO)
sm:16.5.2018

W.P.No.7080 of 2018
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