

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.5205 of 2018

and

WMP.No.6368 of 2018

A.Prabakaran

...Petitioner

Vs

1. The Secretary
Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai -600 009.
 2. The Director of School Education,
Higher Secondary Education,
College Road,
Chennai -600 006.
 3. The Chief Educational Officer,
Chief Educational Office,
Cuddalore 607 001,
Cuddalore District.
 4. The District Educational Officer,
District Educational Office,
Cuddalore 607 001,
Cuddalore District.
 5. The Correspondent,
D.G.M.Higher Secondary School,
Sethiyathope, Bhuvannagiri Taluk,
Cuddalore - 608 702.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents 1 to 4 to approve the appointment of the petitioner in the regular sanctioned and approved post of "Lab Assistant" from the date of appointment (i.e.) dated 03.01.2018, with all emoluments and salary to the petitioner working in the 5th respondent D.G.M.Higher Secondary School, Sethiyathope - 608

702, concerned in the light of the judgments rendered by this Hon'ble Court in W.A.Nos.487 to 492 of 2014 dated 02.02.2016, Writ Appeals in W.A.No.308 of 2008, W.A.No.456 of 2008 dated 04.08.2008, and W.P.Nos.33380 to 33386 of 2017 dated 21.12.2017.

For Petitioner : Mr.R.Srinivasalu

For Respondents : Mr.C.Munusamy
Special Government Pleader
For (R1 to R4)

* * * * *

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 4 to approve the appointment of the petitioner in the regular sanctioned and approved post of "Lab Assistant" from the date of appointment (i.e.) dated 03.01.2018, with all emoluments and salary to the petitioner working in the 5th respondent D.G.M.Higher Secondary School, Sethiyathope - 608 702, concerned in the light of the judgments rendered by this Hon'ble Court in W.A.Nos.487 to 492 of 2014 dated 02.02.2016, Writ Appeals in W.A.No.308 of 2008, W.A.No.456 of 2008 dated 04.08.2008, and W.P.Nos.33380 to 33386 of 2017 dated 21.12.2017.

2.The claim of the writ petitioner is that he 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 he was appointed in accordance with the Rules and procedures in a sanctioned post and therefore, he 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 petition is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar (CS-VIII)

//True Copy//

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Sub Assistant Registrar

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To

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

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

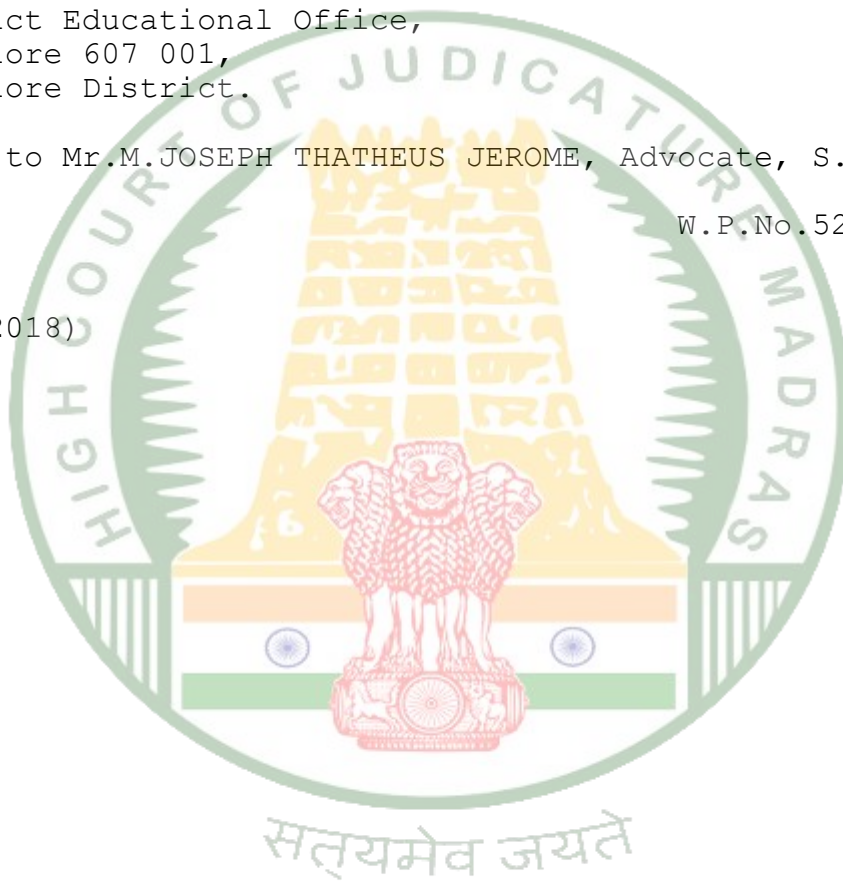
3. The Chief Educational Officer,
Chief Educational Office,
Cuddalore 607 001,
Cuddalore District.

4. The District Educational Officer,
District Educational Office,
Cuddalore 607 001,
Cuddalore District.

+1cc to Mr.M.JOSEPH THATHEUS JEROME, Advocate, S.R.No. 25827

W.P.No.5205 of 2018

CNR(CO)
TR(16/05/2018)



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