

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.Nos.4402 & 4403 of 2018 and
W.M.P.Nos.5411 to 5414 of 2018

Saleeqa Nazneen K .. Petitioner in W.P.No.4402 of 2018
M.Noor Chashma .. Petitioner in W.P.No.4403 of 2018

Vs

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-9
2. The Director of Elementary Education,
College Road, DPI Campus,
Chennai-600 006
3. The Chief Educational Officer,
Vellore -632004,
Vellore District
4. The District Elementary Educational Officer,
Vellore -632004,
Vellore District
5. The Additional Assistant Elementary Educational Officer,
Pernambut-635810,
Vellore District
6. The Manager,
Nusrathul Islam Aided Primary School,
Pernambut,
Vellore District - 635 810 .. Respondents in both W.P.'s

Common Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the fifth respondent pertaining to his Return Orders Na.Ka.No.1063/A2/2017 dated 09.10.2017 and 24.08.2017 and quash the same and also direct the respondents 1 to 5 to grant approval of the petitioner's appointment as Secondary Grade Assistant Teacher in the Sixth respondent's Minority Aided School.

For Petitioner : Mr.V.Raghupathi
in both W.P.'s
For RR1 to 5 : Mrs.P.Kavitha,
in both W.P.'s Government Advocate

COMMON ORDER

Similar question of law and facts being involved in these writ petitions, both are heard together and disposed of, by this common order.

2. Heard, the counsel for the petitioners as well as the respondents and with their consent these cases are taken up for disposal at the stage of admission.

3. The grievance of the writ petitioners in these cases is that though the petitioners were appointed as Secondary Grade Assistant Teacher in the respondent No.6 / Minority Aided School, but the approval for their appointment has not been accorded by the fourth respondent in spite of proposal in this regard even though the same is squarely covered by the decision of this Court in the batch case of P.Sekaran Vs. The Joint Director of Elementary Education (Aided) College Road, Chennai-6 in W.P.No.21979 of 2014 dated 20.10.2016. The representations made by the petitioners in this regard are also pending. In such premises, he submits to direct the fourth respondent to consider the approval of their appointment as per the proposals submitted.

4. The learned counsel appearing for the respondents No.1 to 5 fairly submits that no prior approval from the Government is necessary to fill up the sanctioned post in the Minority Aided Institution before recruitment. If the petitioners have been recruited properly and proposals have been submitted and the same are pending, the respondent No.4 shall consider such representations and the proposals in accordance with law and pass necessary orders.

5. In view of the submissions made by the learned counsel for the respondents No.1 to 5, these writ petitions are disposed of with a direction to the fourth respondent to consider the proposals for appointment of the petitioners who were appointed in the respondent No.6 / Minority Aided School and also the representations of the petitioners in this regard as expeditiously as possible preferably within a period of three weeks from the date of receipt of a copy of this Order taking note of the fact that no prior approval of the Government is required for such appointment and as such in no circumstances such appointment can be disapproved on the said ground.

6. With the aforesaid order, the writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

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Vellore District
6. The Manager,
Nusrathul Islam Aided Primary School,
Pernambut,
Vellore District - 635 810

+2cc to Mr.V.RAGHUPATHI, Advocate, S.R.No.43946
+1cc to the Government Pleader, S.R.No. 44596

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SSV(CO)
TR(07/08/2018)