

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.1.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1703 of 2017
and
C.M.P.No.21812 of 2017

1. The Government of Tamil Nadu,
rep. by its Secretary,
School Education Department,
Fort St. George, Chennai 600 009.
 2. The Director of School Education,
College Road, Chennai 600 006.
 3. The Chief Educational Officer,
Erode District, Erode.
 4. The District Educational Officer,
Erode District, Erode.
- Appellants/Respondents

Versus

Kasturba Gram High School,
Kasturbagram Post Arachalur Via
Erode District 638 101 rep. by its
President of the School Committee.

Respondent/Petitioners

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.3.2017 passed in W.P.No.21244 of 2014 on the file of this court.

W.P.No.21244 of 2014:

This Writ Petition filed under Article 226 of the constitution of India seeking a Writ of Mandamus directing the Respondents to approve the appointments of one Mr. K.Arjun Office Assistant and Mr. R.P.Karthikeyan Record Clerk with effect 11.04.2014 made by the petitioner school in the sanctioned post in view of the proposals dated 11.04.2014 and pay the salary and all other benefits.

For appellants : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For respondent : Mr.K.Sathishkumar

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and Mr.K.Sathishkumar, learned counsel, who takes notice on behalf of the respondent.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge allowing the writ petition which was filed to quash the impugned order returning the proposal submitted by the respondent-institution seeking to approve the appointments made by them against the sanctioned vacancies in the non-teaching posts.

3. The stand taken by the appellants is that the appointments were made without prior approval of the Government. The subject matter is squarely covered by a judgment of this court in W.A.No.13 of 2010 dated 7.12.2016 wherein, following various earlier decisions of this court, the question of granting approval for the appointments of non-teaching staff by the aided school after the ban period is over, was considered and decided in favour of the institutions and therefore, the subject matter of the writ appeal is no longer res integra. In a similar case viz., in W.A.No.1220 of 2014, this Bench has also taken such a view by its judgment dated 2.1.2018. Following the same, we are of the view that the order passed by the learned Single Judge requires no interference and the writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

ssk.

To:

1. The Secretary, Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
College Road, Chennai 600 006.
3. The Chief Educational Officer,
Erode District, Erode.
4. The District Educational Officer,
Erode District, Erode.

+1 CC to Govt. Pleader sr 828.

+1 CC to Mr.K. Sathish Kumar, advocate sr 538.

W.A.No.1703 of 2017

RSI (CO)
SP(13/02/2018)



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