IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.04.2018

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8628 of 2018
and
W.M.P.No.10557 of 2018

N.Karpagam .. Petitioner

Versus

1. The Director of School Education,
   DPI Campus, College Road,
   Chennai - 600 006.

2. The Chief Educational Officer,
   Panagal Building, Saidapet,
   Chennai - 600 015.

3. The District Educational Officer,
   Chennai Central, Saidapet,
   Chennai - 600 015.

4. The Secretary,
   Lady Sivaswami Ayyar Girls' Higher Secondary School,
   Mylapore,
   Chennai - 600 004. .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of the India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the regular sanctioned post of Water Women in the 4th Respondent School from the date of appointment on 20.02.2018 and to make the payment of salary with interest and other service benefits, within a time frame to be fixed by this Court.

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For Petitioner : Mr.G.Sankaran

For Respondents : Ms.P.Rajalakshmi for R1 to R3
Additional Government Pleader

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O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 3 to approve the appointment of the petitioner in the regular sanctioned post of Water Women in the 4th respondent-school from the date of appointment on 20.02.2018 and to make the payment of salary with interest and other service benefits.

2.The claim of the writ petitioner is that she 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 she 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 Additional Government Pleader 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

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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/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KP
To

1. The Director of School Education,
   DPI Campus, College Road,
   Chennai - 600 006.

2. The Chief Educational Officer,
   Panagal Building, Saidapet,
   Chennai - 600 015.

3. The District Educational Officer,
   Chennai Central, Saidapet,
   Chennai - 600 015.

+1 cc to Mr.G.Sankaran Advocate sr 26907
+1 cc to Govt Pleader sr 27665

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