

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH, ACJ

AND

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A.No.1736 of 2018

and

C.M.P.No.13858 of 2018

1. The Director of School Education
(Higher Secondary)
College Road, Nungambakkam,
Chennai 600 006.
2. The Chief Educational Officer,
Vellore District, Vellore 632 009.
3. The District Educational Officer,
Vellore District, Vellore 632 001. ..Appellants/Respondents

Versus

1. P.Tamilarasan
2. The Correspondent,
Vitva Ratna Villa Girls Higher
Secondary School,
C.S.I. Diocese of Vellore, Ranipet,
Vellore District Pin 632 401. ..Respondents/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.3.2015 passed in W.P.No.27739 of 2013 on the file of this court Writ of Certiorarified Mandamus or any other writ or order or direction in the nature of Writ, calling for the proceedings in Na.Ka.No. 3868/A2/2012, dated 03/07/2018, of the 2nd Respondent herein and set aside the same and to direct the 4th Respondent to resubmit the proposal for the approval of the appointment of the petitioner, which was returned by the 2nd Respondent, and direct the 2nd Respondent to forward the same to the 1st Respondent and further direct the 1st Respondent to approve the appointment of the petitioner as Office Assistant at the 4th Respondent School from from the date of appointment, Viz., 31.08.2010, with salary and all other attendant and consequential benefits including the arrears of salary and allowances arising thereof.

For appellant : Mr.C.Munusamy,
Special Government Pleader

For R1 : Mr.S.N.Ravichandran

JUDGMENT

(Judgment of the court was made by S.S.SUNDAR,J.)

This writ appeal is filed as against the order passed by the learned Single Judge in W.P.No.27739 of 2013.

2. The first respondents in this writ appeal filed the writ petition to set aside the order of first appellant and for approval of his appointment as Night Watchman in the second respondent school from the date of appointment viz., 31.8.2010 with salary and all other attendant and consequential benefits including the arrears of salary and allowance arising thereof.

3. The learned Single Judge, by holding that prior permission need not be insisted in view of the decision of this court dated 21.10.2009 in W.P.(MD) No.509 of 2009 and the subsequent judgment of this court dated 15.10.2014 in W.A.No.1012 of 2009, allowed the writ petition and thereby directed the appellants to consider the proposal submitted seeking approval of the appointment of the writ petitioner and dispose of the same. The said order is under challenge in the present writ appeal.

4. It is well settled that for a sanctioned post, no prior permission is required. Hence, we do not find any merit in the present writ appeal. Moreover, it is also represented that approval has also been accorded and salary has been disbursed to the first respondent. Hence, nothing survives in this writ appeal. Accordingly, it is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Director of School Education
(Higher Secondary)
College Road, Nungambakkam,
Chennai 600 006.

2. The Chief Educational Officer,
Vellore District, Vellore 632 009.

3. The District Educational Officer,
Vellore District, Vellore 632 001.

4. The Correspondent,
Vitva Ratna Villa Girls Higher
Secondary School,
C.S.I. Diocese of Vellore, Ranipet,
Vellore District Pin 632 401.

+lcc to Mr.S.N.Ravichandran, Advocate, S.R.No.55417

+lcc to the Government Pleader, S.R.No.55695

W.A.No.1736 of 2018

VG II(CO)

rrs 04/10/2018



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