

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32109 of 2017
and
WMP.No.35256 of 2017

S.MD.Shafee,
Night Watchman,
Habibia Oriental (Arabic)
Girls Higher Secondary School,
Ambur. Petitioner

-Vs.-

- 1.The State Tamil Nadu,
Rep. by its Secretary to Government,
Education Department, Chennai - 9.
- 2.The Director of School Education,
D.P.I. Buildings,
College Road, Chennai - 6.
- 3.The Chief Educational Officer,
Vellore District.
- 4.The District Educational Officer,
Thirupattur.
- 5.The Correspondent,
Habibia Oriental (Arabic)
Girls Higher Secondary School,
Ambur. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, call for the entire records connected with the impugned proceeding of the fourth respondent passed vide A.Thi.Mu.No.4073/A2/2017 dated Nil.8.2017 and quash the same and directing respondents to approve the appointment of the petitioner as Night Watchman in the fifth respondent school w.e.f.01.08.2006, with all consequential benefits, in light of the order passed in W.A.No.74/2016 dated 11.03.2016.

For Petitioner :: Mr.S.N.Ravichandran
For R1 to R4 :: Mr.C.Munusamy
Special Government Pleader

For R5 :: Mrs.S.Bhavani

O R D E R

The relief sought for in this writ petition is to call for the entire records connected with the impugned proceeding of the fourth respondent passed vide A.Thi.Mu.No.4073/A2/2017 dated Nil.8.2017 and quash the same and directing respondents to approve the appointment of the petitioner as Night Watchman in the fifth respondent school w.e.f.01.08.2006, with all consequential benefits, in light of the order passed in W.A.No.74/2016 dated 11.03.2016.

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 Special Government Pleader appearing on behalf of the respondents filed the report submitted by the first respondent in W.P.No.7077 to 7080 of 2018 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 petitions stand disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1.The Secretary to Government,
Education Department, Chennai - 9.

2.The Director of School Education,
D.P.I. Buildings,
College Road, Chennai - 6.

3.The Chief Educational Officer,
Vellore District.

4.The District Educational Officer,
Thirupattur.

+1cc to Mr.S.N.Ravi Chandran sr.no.25988

+1cc to the Government Pleader, sr.no.26285

W.P.No.32109 of 2017

SKV (CO)

RRK (30/05/18)



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