

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2158 of 2018

J.Santhakumari

..

Petitioner

-VS-

1. The Director of School Education
DPI Campus, College Road
Chennai 600 006
2. The Joint Director of
School Education (Secondary)
Directorate of School Education
DPI Campus, College Road
Chennai 600 006
3. The Chief Educational Officer
Panagal Building, Saidapet
Chennai 600 015
4. The District Educational Officer
Chennai Central, Saidapet
Chennai 600 015
5. The Correspondent
Kesari Higher Secondary School
Old No.9, New No.17/1
Royapettah High Road 3rd Street
Mylapore
Chennai 600 004

..

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 4 to approve the appointment of the petitioner in the regular sanctioned post of Office Assistant in the fifth respondent School from the date of appointment on 03.10.2016 and to make the payment of salary with interest and other service benefits, within a time frame to be fixed by this Hon'ble Court.

For Petitioner :: Mr.G.Sankaran

For Respondents :: Mrs.P.Rajalakshmi
Additional Government Pleader
for R1 to 4

ORDER

This writ petition has been filed seeking a mandamus directing the respondents 1 to 4 to approve the appointment of the petitioner in the regular sanctioned post of Office Assistant in the fifth respondent School from the date of appointment on 03.10.2016 and to make the payment of salary with interest and other service benefits, within a time frame to be fixed by this Hon'ble Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. When the matter was called on 2.2.2018, considering the fact that the petitioner was made to approach this Court seeking approval of her appointment in the post of Office Assistant in the fifth respondent school, in spite of the issue having been settled by this Court in W.P.Nos.29998 of 2014 etc., dated 17.3.2017 (V.J.Manoj Kumar & others v. State of Tamil Nadu represented by its Secretary, Department of School Education and others), following the Division Bench order in P.Ravichandran v. State of Tamil Nadu and others, 2013 7 MLJ 641, that no prior approval is required to be obtained from the department for filling up the vacancies in the sanctioned posts, either teaching or non-teaching by the private aided school, this Court directed the District Educational Officer, Chennai Central, the fourth respondent herein to appear before this Court on 19.2.2018 to show cause why costs of Rs.10,000/- should not be imposed upon him. When the matter was taken up yesterday (19.2.2018), the District Educational Officer, Chennai Central Mr.G.P.Sundararaj appeared before this Court and submitted that he was promoted from the post of Additional Project Officer, SSI and hence he was unaware of the legal position. Hence, for payment of costs, the matter was directed to be called today.

4. Today, when the matter was called, the District Educational Officer, Chennai Central has appeared and filed a counter affidavit stating that he has paid the sum of Rs.10,000/- from his personal salary to the petitioner as directed by this Court towards the cost of the litigation. He has also further stated that since he joined the post only on 29.12.2017, he was not in a position to know the legal position prevailing as on date, for which he tendered his unconditional

apology and also he stated that in future, he will be more vigilant about the legal position and will not give any room for any one to have a grievance that the order passed by any Court is violated. It is further stated that he has also granted approval of the petitioner's appointment in the post of Office Assistant from the date of her appointment with the payment of salary and other benefits vide proceedings in Na.Ka.No.3661/A1/2018 dated 15.2.2018 and a copy thereof has also been produced before this Court.

5. Placing on record the aforesaid proceedings, keeping in mind that the fourth respondent has granted the approval of the petitioner's appointment in the post of Office Assistant in the fifth respondent school from the date of her appointment with the payment of salary and other benefits as directed by this Court, this writ petition stands disposed of, accepting his unconditional apology. Consequently, W.M.P.No.2684 of 2018 is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ss
To

1. The Director of School Education
DPI Campus, College Road
Chennai 600 006
2. The Joint Director of
School Education (Secondary)
Directorate of School Education
DPI Campus, College Road
Chennai 600 006
3. The Chief Educational Officer
Panagal Building, Saidapet
Chennai 600 015
4. The District Educational Officer
Chennai Central, Saidapet
Chennai 600 015

+1cc to Mr.G.Sankaran, Advocate sr.no.13038

W.P.No.2158 of 2018

rj(co)
nr 14/03/2018