

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2096 of 2018
and C.M.P.No.16450 of 2018

- 1.The Government of Tamil Nadu
rep.by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Chennai-600 015.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
Chennai East Educational District,
No.81, Choolaimedu High Road,
Choolaimedu, Chennai-600 094. Appellants

-vs-

- 1.D.Selvam
- 2.The Correspondent,
St.Anne's Girls Higher Secondary School,
Royapuram, Chennai-600 013. ... Respondents

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.19953 of 2015 dated 17.03.2017.

Prayer in W.P.No.19953 of 2015:-

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified mandamus to Calling for the records pertaining to the impugned order dated 12.3.2015 in O.Mu. No.1078/ A2/2015 on

the file of the 4th respondent and quash the same directing the respondents to accord approval to the appointment of the petitioner Mr.D.Selvam as Office Assistant in St.Annes Girls Higher Secondary School Royapuram Chennai-600 013 w.e.f. 1.11.2014 with all monetary and other service benefits.

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

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The first respondent herein filed a writ petition before this Court in W.P.No.19953 of 2015 seeking to set aside the order dated 12.03.2015 passed by the fourth appellant and for a direction to accord approval to the appointment of the appellant as Office Assistant in the second respondent school with effect from 01.11.2014 with all monetary benefits. The said writ petition was taken up along with a batch of writ petitions and a common order was passed on 17.03.2017 holding that any school, either minority/private/aided or unaided, is entitled to fill up the vacancy arising on account of promotion, retirement, removal, dismissal etc., against a sanctioned post already approved by the school authorities, without even obtaining prior permission from the Government. Observing so, the learned single Judge allowed the writ petitions directing the respective respondents to approve the appointments of the non-teaching staff by the Private Aided Schools and to sanction the grant within a period of four weeks, by order dated 17.03.2017. The said order in respect of W.P.No.19953 of 2015 is challenged by the State in the present appeal.

2.When this appeal was taken up, the learned Special Government Pleader appearing for the appellants has submitted that the order impugned in this appeal has been complied with by the respondents and hence this appeal has become infructuous.

3.Recording the above submission made by the learned Special Government Pleader, the writ appeal is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Secretary to Government,
Government of Tamil Nadu
Department of School Education,
Fort St.George, Chennai-600 009.

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

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Chennai-600 015.

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Choolaimedu, Chennai-600 094.

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KAN(CO)
CSL/28.11.2018



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