IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2018

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THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.28889 of 2017
and
WMP.No.31104 & 31105 of 2017

S.Leo Paul Bosco ... Petitioner

Vs

1. The State of Tamil Nadu
   Rep by its Secretary
   Department of School Education
   Chennai - 600 009.

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

3. The Chief Educational officer
   Salem - 636 001.

4. The District Educational Officer
   Sankagiri
   SH-86, Sankagiri- Tiruchengode Road
   Salem District - 637 301.

5. The Correspondent
   Nirmala Higher Secondary School
   Kolathur,
   Salem District - 636 303. ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 4th respondent District Educational Officer vide proceedings in Na.Ka.No.3172/A3/2016 dated 10.01.2017 and Na.Ka.No.4401/2016/A3 dated 07.02.2017 quash the same and further direct the 4th respondent District Educational Officer to approve forthwith the appointment of the petitioner as Junior Assistant in the 5th respondent School and disburse the grant-in-aid towards his salary and allowances with effect from the date of his appointment viz., 01.07.2011.

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For Petitioner : Mr.P.Godson Swaminath
for M/s. Isaac Champers
For Respondents: Mr.C.Munusamy
Special Government Pleader
(For R1 to R4)
: No appearance (For R5)

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O R D E R

The relief sought for in this writ petition is to call for the records relating to the impugned order issued by the 4th respondent District Educational Officer vide proceedings in Na.Ka.No.3172/A3/2016 dated 10.01.2017 and Na.Ka.No.4401/2016/A3 dated 07.02.2017 quash the same and further direct the 4th respondent District Educational Officer to approve forthwith the appointment of the petitioner as Junior Assistant in the 5th respondent School and disburse the grant-in-aid towards his salary and allowances with effect from the date of his appointment viz., 01.07.2011.

2.The claim of the writ petitioner is that Mr.S.Leo Paul Bosco, 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 Mr.S.Leo Paul Bosco, 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 Government Advocate 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

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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 petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
   State of Tamil Nadu
   Rep by its Secretary
   Department of School Education
   Chennai - 600 009.

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

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3. The Chief Educational officer
Salem - 636 001.

4. The District Educational Officer
Sankagiri
SH-86, Sankagiri- Tiruchengode Road
Salem District - 637 301.

W.P.No.28889 of 2017

SVI(CO)
TR(16/05/2018)

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