



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.02.2018

CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

WP (MD) No.1360 of 2018
and
WMP (MD) No.1446 of 2018

Sahayarani Girs Higher Secondary
School,
Rep.by its Correspondent,
Soosaiyapparpattanam,
Kalayarkovil,
Sivagangai District.

...Petitioner

Vs.

1.Government of Tamil Nadu,
Rep.by its Secretary to the
Government,
Education Department, Secretariat,
Fort St.George, Chennai-9.

2.The Director of School Education,
(Higher Secondary), Chennai-6.

3.The Chief Educational Officer,
Sivagangai, Sivagangai District.

4.The District Educational Officer,
Sivagangai,
Sivagangai District.

... Respondents

Prayer: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the fourth respondent in O.Mu.No.40/A5/2018 dated 12.01.2018, quash the same and consequently direct the fourth respondent to approve the appointment of S.Shobana made by the petitioner to the sanctioned post of Record Clerk from the date of appointment that is 03.11.2014 with all consequential benefits by considering the petitioner's proposal dated 03.01.2018.

For petitioner : Mr.R.Devaraj

For Respondents : Mr.K.Saravanan
Government Advocate



ORDER

The petitioner is a school. The school management appointed one S.Shobana as Record Clerk on 03.11.2014. The same was submitted to the fourth respondent to grant of approval. The fourth respondent, by the impugned order dated 12.01.2018, declined to grant approval.

2.The only ground on which the approval was denied is that the management did not obtain prior permission. It is beyond dispute that the vacancy in which the writ petitioner is working is a sanctioned one. It is not the case of the respondents that the petitioner is not eligible to be appointed.

3.When the vacancy is a sanctioned one and the candidate is possessing the requisite qualifications, approval cannot be denied. Therefore, the order impugned in this writ petition is quashed. The fourth respondent is directed to approve the appointment of S.Shobana with effect from 03.11.2014 and disburse all the consequential benefits forthwith.

4.This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Education Department,
Secretariat, Fort St.George, Chennai-9.

2.The Director of School Education,
(Higher Secondary), Chennai-6.

3.The Chief Educational Officer,
Sivagangai, Sivagangai District.

4.The District Educational Officer,
Sivagangai,
Sivagangai District.

+1cc to Mr.R.DEVARAJ, Advocate, SR.46183

+1cc to M/S.Special Government Pleader, SR.46590

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