



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.7207 of 2018

R.Nandhakumaran

... Petitioner

Vs.

1.The Director of School Education (Secondary),
College Road, Chennai - 6.

2.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

3.The Secretary,
Hindu Higher Secondary School,
Watrap - 626 132.

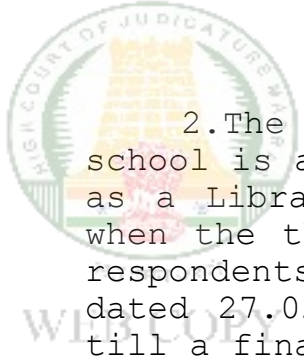
... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the 2nd respondent in O.Mu.No.928/A7/2018 dated 27.02.2018 and quash the same and directing the 2nd respondent to approve the appointment of the petitioner as Library clerk in the 3rd respondent school namely Hindu Higher Secondary School, Watrap - 626 132 with all consequential monetary benefits and salary with effect from 13.02.2018.

For Petitioner : Mr.K.K.Kannan
For Respondent : Mr..M.Jeyakumar, A.G.P.
for RR1 and 2

O R D E R

The prayer sought for in this writ petition is for a writ of certiorarified mandamus, to call for the entire records connected with the impugned order passed by the 2nd respondent in O.Mu.No.928/A7/2018 dated 27.02.2018 and quash the same and directing the 2nd respondent to approve the appointment of the petitioner as Library clerk in the 3rd respondent school namely Hindu Higher Secondary School, Watrap - 626 132 with all consequential monetary benefits and salary with effect from 13.02.2018.



2.The grievance of the petitioner is that the third respondent school is a recognized aided school and the petitioner was appointed as a Library Clerk, which is a sanctioned post on 13.02.2018 and when the third respondent school sent proposal for approval to the respondents, the second respondent, by the impugned proceedings dated 27.02.2018 has rejected the proposal citing the reason that till a final order is passed by the Government based on the decision to be taken by a Higher Level Committee constituted in this regard, the non teaching staff appointed in aided school need not be approved.

3.Mr.M.Jeyakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

4.The learned counsel for the petitioner submits that the reason cited in the impugned order is no way justifiable one, because the issue has already been decided by this Court in the case on *Deva Asir V. The Secretary to Government, School Education Department and others* reported in 2016-3-L.W.152. The learned counsel would further state that the relevant Government orders imposing prohibition or ban on the approval of the appointment of non teaching staff in the aided school were considered and quashed by this Court in the said judgment and the learned counsel would rely upon para 38 of the said judgment, which reads thus:

"38. In the result, for the details reasons mentioned above,

(i) All these writ petitions are allowed.

(ii) Impugned G.Os., namely, G.O.Ms.No.115, School Education Department, dated 30.05.2007 and G.O.Ms.No.203, School Education Department, dated 23.07.2010 and Government Letter No.8884/D1/2011-2, dated 09.07.2012, are quashed.

(iii) The impugned orders of the DEOs/DEEOs refusing to approve of the appointments of various non-teaching posts in these writ petitions are set aside and the official respondents are directed to approve of those appointments of the non-teaching staff in the Private Aided Schools concerned in these writ petitions and to sanction grant.

(iv) Wherever writ of Mandamus is sought for, a direction is issued to the respondents to approve of the appointments of the non-teaching staff in the Private Aided Schools and to sanction grant.

(v) The official respondents are directed to comply with the aforesaid directions within a period of six weeks from the date of receipt of a copy of this order.



However, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed."

5. Mr. M. Jayakumar, learned Additional Government Pleader would fairly submit that the issue raised in this writ petition is covered by the said decision of this Court cited above and based on the said decision, a number of writ petitions of this nature have already been allowed by this Court consistently.

6. In view of the said position that the issue raised in this writ petition is covered by the aforesaid decision and in a number of similar cases, orders have been passed following the said decision, I am inclined to pass the following order in this writ petition.

7. The impugned order passed by the second respondent is quashed and the respondents, especially, the second respondent is directed to consider the appointment of the petitioner as Library Clerk at the third respondent school and pass necessary orders regarding approval of the same, within a period of four weeks from the date of receipt of a copy of this order.

8. With this direction, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of School Education (Secondary),
College Road, Chennai - 6.

2. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

+1cc to Mr. K. K. Kannan, Advocate, SR.No.59615

+1cc to The Special Government Pleader, SR.No.59975

Arul

RL/5C/3P/SV/MMS/SAR1/18/4/2018

W.P (MD) No. 7207 of 2018

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