



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.2377 of 2018

and

W.M.P.(MD).No.2592 of 2018

S.Vasanthi

...Petitioner

Vs.

1.The District Educational Officer,
Madurai, Madurai District.

2.The Correspondent,
Mangayarkarasi Higher Secondary School,
West Annathoppu Street,
Madurai-625016,
Madurai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the first respondent herein O.Mu.No.134/A5/2018 dated 11.01.2018, quash the same and direct the first respondent herein to approve forthwith the appointment of the petitioner as an Office Assistant in the second respondent school with effect from 03.01.2018 onwards with salary and other attendant benefits.

For Petitioner

: Mr.E.V.N.Siva

For Respondents

: Mrs.Srimathy for R1

Additional Government Pleader

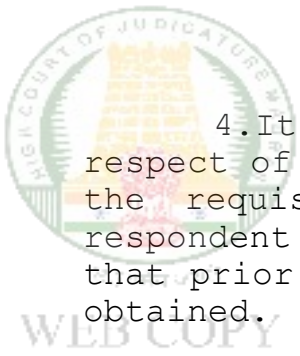
: No Appearance for R2

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner was appointed as Office Assistant in the second respondent/School on 03.01.2018.



4.It is not in dispute that the appointment was made in respect of the sanctioned post and the petitioner is also possessing the requisite eligibility qualification. Therefore, the first respondent was not justified in declining approval on the ground that prior permission from the Director of School Education was not obtained.

5.This Court has held in a catena of decisions that such prior permission need not be obtained. Therefore, the impugned order stands quashed. The first respondent is therefore directed to approve the petitioner's appointment as Office Assistant in the second respondent school with effect from 03.01.2018 . The first respondent is also directed to disburse grant in aid towards salary and other benefits immediately without any delay.

6.The Writ Petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To
The District Educational Officer,
Madurai, Madurai District.

+1CC to Mr.E.V.N.Siva, Advocate, SR.No. 53783
+1CC to the Special Government Pleader SR.No.54327

ORDER MADE IN
W.P.(MD).No.2377 of 2018
08.03.2018

tsg
AM/PM PN/SAR 4/09.03.2018/2P/4C