



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.2387 of 2018andW.M.P.(MD).Nos.2602 & 2603 of 2018

The Correspondent,
St.Francis Xavier Higher Secondary School,
Muthalagupatty-624 002,
Dindigul District.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

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

3.The Chief Educational Officer,
Dindigul-624 002,
Dindigul District.

4.The District Educational Officer,
Dindigul-624 002,
Dindigul District.

...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 proceedings issued by the fourth respondent District Educational Officer vide Na.Ka.No.6340/a2/2017 dated 30.11.2017, quash the same and further direct the fourth respondent District Educational Officer herein to approve forthwith the appointment of P.Isakiammal as Office Assistant in the petitioner school with effect from 08.06.2017 with all attendant benefits including the arrears of salary and allowance.

For Petitioner

: Miss.Amala

For M/s.Isaac Chambers

For Respondents

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader

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.One P.Isakiammal, was appointed as Office Assistant in the petitioner's School on 08.06.2017.

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 fourth 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 fourth respondent is therefore directed to approve the appointment of said P.Isakiammal, as Office Assistant in the petitioner's school with effect from 08.06.2017. The fourth respondent is also directed to disburse the 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 petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

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

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

3.The Chief Educational Officer,
Dindigul-624 002, Dindigul District.

4.The District Educational Officer, Dindigul-624 002,
Dindigul District.

+1CC to M/s.Isaac Chambers, SR.No. 54244

+1CC to the Special Government Pleader SR.No.54336

ORDER MADE IN
W.P. (MD) .No.2387 of 2018
08.03.2018