



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.2389 of 2018

and

W.M.P. (MD) .No.2604 of 2018

S.Kasirajan

... Petitioner

Vs.

1. The District Educational Officer,
Paramakudi.

2. Kshatriya Hindu Nadar Higher Secondary School,
Represented by its Secretary,
Perunali,
Ramanathapuram 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 order of the first respondent dated 07.12.2017 in O.Mu.No.5383/A2/2016 and quash the same and consequently direct the first respondent to approve the appointment of the petitioner as an Office Assistant in the second respondent school with effect from 01.08.2017 and pay salary with arrears since then along with all other attendant and monetary benefits.

For Petitioner : Mr.C.Murugavel

For Respondents No.1 : Mr.J.Gunaseelan Muthiah

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 01.08.2017.

<https://hcservices.courts.gov.in/hcservices/> 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 01.08.2017. 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,
Paramakudi.

+1. CC to M/S.C.Murugavel, Advocate SR.No.53798
+1. CC to Special Government Pleader, SR.No.54337

ORDER MADE IN
W.P. (MD) .No.2389 of 2018
08.03.2018

tsg
MKV-PM-PN-SAR 4/9.3.2018/2P-4C