



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD).Nos.2723 & 2724 of 2018

M.Ganga ...Petitioner in W.P. (MD).No.2723 of 2018
R.Lavanya ...Petitioner in W.P. (MD).No.2724 of 2018
Vs.

- 1.The Government of Tamil Nadu,
Represented by the Principal Secretary,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
D.P.T, Campus, College Road,
Nungambakkam, Chennai-600 006.
- 3.The Chief Educational Officer, Karur.
- 4.The District Educational Officer, Karur.
- 5.Rani Meyyammai Higher Secondary School,
Represented by its Secretary,
Puliyur Cement Factory-639 114,
Karur District. ...Respondents in both petitions

PRAYER: Writ petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent in A.Thi.Mu.No.447/Aa3/2018 and A.Thi.Mu.No.448/Aa3/2018 dated 30.01.2018, quash the same and direct the respondents 1 to 4 to approve the appointment of petitioner as Record Clerk, Office Assistant in the fifth respondent school with effect from 22.01.2018 with all attendant monetary benefits.

For Petitioners : Mr.M.Saravanan in both petitions
For R1 to R4 : Mrs.S.Srimathy in both petitions
Special Government Pleader
For R5 : No Appearance

COMMON ORDER

Heard Mr.M.Saravanan, learned counsel appearing for the petitioner as well as Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 4.



2.By consent of both the parties, the main Writ Petitions themselves are taken up for final disposal.

3.The petitioners were appointed as non teaching staffs in the fifth respondent school. The proposal was submitted by the management for according approval to the said appointments. The fourth respondent declined to grant approval on the ground that prior permission was not obtained before making such appointments. This Court has already held that such a stand is not sustainable in law.

4.It is not in dispute that the petitioners were appointed in respect of sanctioned posts. It is also not in dispute that the petitioners are eligible to hold the said posts. They are having the requisite qualification.

5.Therefore, the fourth respondent is directed to approve the appointment of the petitioners as non teaching staffs in the fifth respondent school with effect from the date when they were appointed. The fourth respondent is directed to release the grant in aid towards salary and other attendant and monetary benefits thereafter. The order impugned in the Writ Petitions are quashed. The Writ petitions are allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

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

2.The Director of School Education,
D.P.T, Campus, College Road,
Nungambakkam, Chennai-600 006.

3.The Chief Educational Officer, Karur.

4.The District Educational Officer, Karur.

+2CC TO M/S.R.SUBRAMANIAN, ADVOCATE, SR NOS.54892 & 54893

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55233

ORDER MADE IN
W.P. (MD) .Nos.2723 & 2724 of 2018
13.03.2018

tsg

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MS/SKN-RSK/SAR-4/16.03.2018/2P.8C