



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.3028 of 2018

S.Ganesh Moorthy

... Petitioner

Vs.

1. The Director of School Education
(Secondary),
College Road, Chennai - 6.
2. The District Educational Officer,
Devakottai, Sivagangai District.
3. The Secretary,
S.C.G.R. Higher Secondary School,
Amaravathipudur - 630 301,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records connected with the impugned order passed by the second respondent in O.Mu.No.745/A3/2018 dated 31.01.2018 and quash the same and directing the second respondent to approve the appointment of the petitioner as Night Watchman in the third respondent school namely, S.C.G.R Higher Secondary School, Amaravathipudur-630 301, Sivagangai District with all consequential monetary benefits and salary with effect from 25.10.2017.

For petitioner : Mr.K.K.Kannan

For respondents : Mrs.S.Srimathy,
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner was appointed in the third respondent school as Night Watchman. It is not in dispute that the said appointment is in respect of a sanctioned post. It is also not in dispute



that the petitioner is having the requisite qualifications for being so appointed. But, the second respondent has declined to accord approval on the ground that prior permission of the first respondent was not obtained.

3. This Court has consistently held that such prior permission need not be obtained. The reason set out in the impugned order is unsustainable in law. Therefore, the order impugned in this writ petition is quashed. The second respondent is directed to approve the petitioner's appointment as Night Watchman in the third respondent school with effect from the date of his appointment and release the grant in aid towards the salary without any delay.

4. This writ petition is allowed accordingly. 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,
Devakottai, Sivagangai District.

+ 1 cc TO Mr.K.K.Kannan , Advocate in SR No. 56160

SKM
AE/SKN RSK/SAR4/24.05.2018/2P/4C

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