



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.3029 to 3032 of 2018

V.Sathish	... Petitioner in W.P.(MD)No.3029 of 2018
G.Pandian	... Petitioner in W.P.(MD)No.3030 of 2018
N.Raman @ Ramesh	... Petitioner in W.P.(MD)No.3031 of 2018
G.Marimuthu	... Petitioner in W.P.(MD)No.3032 of 2018

Vs.

1.The Director of School Education (Secondary).
College Road,
Chennai - 6.

2.The District Educational Officer,
Srivilliputtur,
Virudhunagar District.

3.The Secretary,
G.S.Hindu Higher Secondary School,
Srivilliputtur.

... Respondents in all W.P.s

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the second respondent in O.Mu.No.580/A5/2018, O.Mu.No.581/A5/2018, O.Mu.No.578/A5/2018 and O.Mu.No.579/A5/2018 dated 07.02.2018 and Quash the same and directing the second respondent to approve the appointment of the petitioners as Office Assistants, Watchman and Scavenger in the third respondent school namely, G.S.Hindu Higher Secondary School, Srivilliputhur with all consequential monetary benefits and salary with effect from 22.01.2018.

For Petitioner	: Mr.K.K.Kannan in all Petitions
For R-1 & R-2	: Mrs.S.Srimathy, Special Government Pleader in all Petitions
For R-3	: No appearance

COMMON ORDER

Heard Mrs.S.Srimathy, learned Special Government Pleader,
appearing for the respondents 1 and 2.



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

3.The petitioners herein were appointed in various Non teaching posts in the third respondent school. But when the proposal was submitted by the third respondent/Management, the second respondent chose to decline by citing G.O.(Ms).No.115, School Education Department, dated 30.05.2007 and the Government letters dated 26.10.2012 and 09.07.2012.

4.The issue on hand is no longer res integra. This Court in the decision reported in (2016) 3 LLJ (49)-(Deva Asir vs. Secretary to Government, Education Department) has quashed those orders and communications. Therefore, the reasons set out in the impugned orders are not sustainable in law. 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. Therefore, the orders impugned in the Writ Petitions are quashed.

5.The second respondent is directed to approve the appointments in question and release the grant in aid towards salary and other attendant and monetary benefits thereafter.

6.These Writ Petitions are allowed accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Director of School Education (Secondary).
College Road,
Chennai - 6.

2.The District Educational Officer,
Srivilliputtur,
Virudhunagar District.

+1cc to Special Government Pleader, SR.No. 56479

+4cc to M/S.K.K.Kannan, Advocate SR.No. 56161 to 56164

ORDER MADE IN
W.P. (MD) Nos.3029 to 3032 of 2018

Dated:
16.03.2018