



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.3045 and 3046 of 2018

and

W.M.P(MD)Nos.3191 and 3192 of 2018

M.Chockalingam ... Petitioner in W.P(MD)No.3045 of 2018
S.Karthikeyan ... Petitioner in W.P(MD)No.3046 of 2018

Vs.

1. The District Educational Officer,
Tirunelveli District.
2. The Secretary,
The Madurai Diraviyam Thayumanavar Hindu
College Higher Secondary School,
Tirunelveli. ... Respondents in both W.Ps.

PRAYER in W.P.(MD)No.3045 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceedings in O.Mu.No.5618/A5/2017 dated 23.01.2018 and quash the same and directing the respondents to approve the appointment of the petitioner as Library Clerk from the date of appointment i.e.13.12.2017 with all the consequential monetary benefits.

PRAYER in W.P.(MD)No.3046 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceedings in O.Mu.No.5619/A5/2017 dated 12.01.2018 and quash the same and directing the respondents to approve the appointment of the petitioner as Night Watchman from the date of appointment i.e.13.12.2017 with all the consequential monetary benefits.

For Petitioner : Mr.V.Panneerselvam
(in both W.Ps.)
For R1 : Mr.K.Saravanan
Government Advocate
For R2 : Mr.E.V.N.Siva
(in both W.Ps.)

COMMON ORDER

By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.



2.The writ petitioners herein were appointed as non teaching staff in the second respondent school. The school management submitted its proposal to the first respondent for obtaining approval. But the first respondent by the impugned orders declined to grant approval. The impugned order cite and rely on the Government letter No.11462/G1/2006, dated 26.05.2006 and the Government Letter No.8884/G1/11-2, dated 09.07.2012.

3.Both these communications have been quashed by this Court in the decision reported in **2016 III LLJ 49, (Deva Asir Vs.Secretary to Government, School Education Department, Chennai)**. Since the reasons set out in the impugned orders have already been set aside by this Court on an earlier occasion, the orders impugned in these writ petitions will have to be necessarily quashed.

4.It is not in dispute that the appointments were made in respect of sanctioned posts. The writ petitioners are having the requisite educational qualifications for being so appointed. The first respondent is directed to approve the appointment of the writ petitioners with effect from the date of their original appointments and also disburse the grant-in-aid towards their salary and other benefits. Such proceedings shall be issued within a period of four weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

The District Educational Officer,
Tirunelveli District.

+1cc to Spl.Government Pleader Sr.No.56283
+2cc to Mr.V.Panneerselvam, Advocate Sr.No.56213,56212
+2cc to Mr.E.V.N.Siva, Advocate Sr.No.56199,56198

RMI

VB/SKN/RSK/SAR3/23.04.2018/2P/7C

W.P. (MD) Nos.3045 and 3046 of 2018
and

W.M.P (MD) Nos.3191 and 3192 of 2018
16.03.2018