



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3603 of 2018

and

W.M.P.(MD)Nos.3733 and 3734 of 2018

P.Johnson Moses

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.
 - 2.The Director of School Education,
College Road, Chennai-600 006.
 - 3.The Chief Educational Officer,
Kanyakumari District,
Nagercoil-629 001.
 - 4.The District Educational Officer,
Nagercoil-629 001.
 - 5.The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71 A, Dennis Street,
Nagercoil-629 001.
 - 6.The Correspondent,
Duthie Higher Secondary School for Girls,
Nagercoil, Kanyakumari District.
- ..Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent District Educational Officer in O.Mu.No.6456/A4/2017 dated 06.11.2017, quash the same and further direct the 4th respondent District Educational Officer to approve forthwith the appointment of the petitioner as Watchman in the 6th respondent School w.e.f., 09.10.2017 with all attendant benefits including arrears of salary and allowances.



For Petitioner : Mr.S.Xavier Rajini

For R1 to R4 : Mr.S.Srimathy
Special Government Pleader

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ORDER

The petitioner was appointed as Watchman in the sixth respondent school on 09.10.2017. The appointment was in respect of the sanctioned post. The petitioner is possessing requisite qualifications for being so appointed. The sixth respondent is a minority institution. Therefore there cannot be any impediment to accord approval for the petitioner. But, the approval was declined on the ground that prior permission was not obtained.

2.This Court in so many cases has held that such prior permission need not be obtained. Hence, the order impugned in this Writ Petition is quashed and the fourth respondent is directed to approve the petitioner's appointment as watchman in the sixth respondent school with effect from 09.10.2017 and disburse all the consequential benefits to the petitioner. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

3.Accordingly this Writ Petition is allowed. No costs. Consequently,W.M.P. (MD)Nos.3733 and 3734 of 2018 are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

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

2.The Director of School Education, College Road, Chennai-600 006.

3.The Chief Educational Officer, Kanyakumari District,
Nagercoil-629 001.

4.The District Educational Officer, Nagercoil-629 001.

+1CC to Mr.S.Xavier Rajini, Advocate, SR.No. 57461

+1CC to the Special Government Pleader SR.No.57667

W.P. (MD) No.3603 of 2018

21.03.2018