



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3710 of 2018
and
W.M.P. (MD) No. 3853 of 2018

C.Viju Roy

... 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,
Kanyakumari District,
Nagercoil-629 001.

5. The Correspondent,
Scott Christian Higher Secondary School,
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 Mandamus, directing the 4th respondent District Educational Officer to approve forthwith the appointment of the petitioner as Junior Assistant w.e.f., 14.06.2017 in the 5th respondent School namely, Scott Christian Higher Secondary School, Nagercoil, with all attendant benefits including arrears of salary and allowances.

For Petitioner

: Mr.A.Sekar

For R1 to R4

: Mrs.S.Srimathy

Special Government Pleader

ORDER

The petitioner was appointed as Junior Assistant in the fifth respondent school on 14.06.2017. The appointment was in respect of a sanctioned post. The petitioner is possessing



requisite qualifications for being so appointed. The fifth 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.

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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 Junior Assistant in the fifth respondent school with effect from 14.06.2017 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) No. 3853 of 2018 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The 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,
Kanyakumari District,
Nagercoil-629 001.

+1CC to Mr.S.Xavier Rajini, Advocate in SR.No.57460.

TA

DS/SV/MMS/SAR-1 :10.05.2018: 2P/6C

W.P. (MD) No. 3710 of 2018

21.03.2018