



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 802 of 2018

and

W.M.P. (MD) Nos. 870 and 871 of 2018

S.Alexander

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented 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
Pudukottai District at Pudukottai.

4.The District Educational Officer,
Pudukottai, Pudukottai District.

5.The Correspondent,
St.Thomas Higher Secondary School,
Nazareth-621 316
Pudukottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records, relating to the impugned proceedings issued by the fourth respondent District Educational Officer in O.Mu.No.6146/A4/2017 dated 30.11.2017, quash the same and further direct the fourth respondent District Educational Officer to approve forthwith the appointment of the petitioner as Junior Assistant in the fifth respondent school with effect from 01.09.2017 with all attendant benefits including arrears of salary and allowances.

For petitioner	: Mrs.S.Xavier Rajini
For R1 to R4	: Mr.Gunaseelan Muthiah
	Additional Government Pleader

O R D E R

Heard the learned counsel on either side.



2.By consent of both the parties, the main Writ Petition is taken up for final disposal.

3.The petitioner was working as a Sweeper in the fifth respondent school on part time basis. Subsequently, his services were regularised with effect from 01.04.1996. While so, the post of Junior Assistant fell vacant on 01.07.2017 in the fifth respondent school due to the retirement of the then incumbent one Joseph Irudhayaraju. The fifth respondent school appointed the petitioner as a Junior Assistant on 01.09.2017. The proposal was submitted to the fourth respondent for approval of the said appointment and for disbursement towards his salary. But the fourth respondent had returned the proposal on the ground that prior permission was not obtained. It is well settled that prior permission is not required in such cases. The fifth respondent school is a Minority Educational Institution. The vacancy arose only in a sanctioned post.

4.In these circumstances, the ground on which the proposal for approval was returned is clearly unsustainable in law. The order impugned in the Writ Petition is therefore quashed. The fourth respondent is directed to approve the appointment of the petitioner as Junior Assistant in the fifth respondent school with effect from 01.09.2017 with all attendant and consequential benefits forthwith.

5.The Writ Petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Secretary, State of Tamilnadu
Department of School Education,
Fort St.George, Chennai-600 009.
 - 2.The Director of School Educational
College Road, Chennai-600 006.
 - 3.The Chief Educational Officer, Pudukottai District at Pudukottai.
 - 4.The District Educational Officer,
Pudukottai, Pudukottai District.
- +One cc to The Special Government Pleader, SR.No.43151
+One cc to M/s.S.Xavier Rajini, Advocate, SR.No.42981
tsg/pnn
RL/7C/2P/JC/SAR1/8/2/2018

ORDER MADE IN
W.P. (MD) No. 802 of 2018
and
W.M.P. (MD) No.870 and 871 of 2018
18.01.2018