



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.850 of 2018 and
W.M.P. (MD) Nos.897 & 898 of 2018

A.Roseline Amutha

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
For 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 District, Pudukottai.
5. The Correspondent,
St.Thomas Higher Secondary School,
Nazareth-621 316,
Pudukottai District.

... Respondents

Prayer: Writ 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/the District Educational Officer in O.Mu.No.6147/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 Office Assistant in the fifth respondent school with effect from 07.06.2017 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> 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 appointed as a non teaching staff(Office Assistant) in the fifth respondent school on 07.06.2017. Even though the proposal was sent for granting approval, the fourth respondent declined to grant approval on the ground that the proposal should be re-submitted after enclosing the permission letter granted by the Department.

4.It is not in dispute that the vacancy in question is a sanctioned one. It is also not in dispute that the petitioner is eligible to be appointed to the said post. The question of obtaining prior permission does not arise. Therefore, the impugned order is quashed.

5.The fourth respondent is directed to grant approval for the petitioner's appointment with effect from 07.06.2017 and disburse all the monetary benefits without any delay.

6.This Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Department of School Education,
For 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 District, Pudukottai.

+ 1 CC TO Mr.S.XAVIER RAJINI, ADVOCATE IN SR No. 44925
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 45204

TSG

TE/KKR/SAR-4 : 16/02/2018 : 2P/7C

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