



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

W.P. (MD) No.893 of 2018

V.K.P.Higher Secondary School,
Colachel
Kanyakumari District,
Rep. by its Correspondent,
B.Lalitha Bai Thankachy

.. Petitioner

Vs.

1.The Chief Educational Officer,
Kanyakumari, Kanyakumari District.

2.The District Educational Officer,
Thucklay,
Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of second respondent herein Oo.Mu.No.6289/B2/2017 dated 26.12.2017 and quash the same and consequently direct the second respondent to approve the appointment of Mr.K.Murugan as Office Assistant in the petitioner school w.e.f. 01.06.2016 (F.N) with all consequential monetary benefits and arrears of salary as per proposal submitted by the petitioner school, within the time limit fixed by this Court.

For petitioner
For respondents

: Mr.S.Manikandan
: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

2. The writ petitioner is an aided minority institution. Vacancies arose in the post of Office Assistant, on account of the retirement of the incumbent on 31.05.2016. One Murugan was selected and appointed to the said post with effect from 01.06.2016. But the

second respondent however declined to grant approval on the ground that appropriate orders are awaited from the Government and only thereafter the approval will be granted.

3. The learned counsel appearing for the writ petitioner placing reliance on the order dated 11.01.2017 in W.P.(MD).No.24595 of 2016, submitted that the reason assigned in the impugned order is not sustainable. It is all the more because G.O.(Ms).No.115, School Education Department, dated 30.05.2007 and G.O.(Ms).No.203, School Education Department, dated 23.07.2010 have already been quashed by this Court.

4. When vacancy arose in respect of the sanctioned post and the candidate concerned, who was appointed cannot be said to be ineligible, the respondent ought to have granted approval. In that view of the matter, the order impugned in this writ petition is quashed. The second respondent is directed to grant approval for the appointment of P.Murugan as Office Assistant in the writ petitioner School with effect from 01.06.2016 and disburse all the consequential benefits without any delay.

5. This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To:

1.The Chief Educational Officer,
Kanyakumari, Kanyakumari District.

2.The District Educational Officer,
Thucklay,
Kanyakumari District.

+One cc to Mr.S.Manikandan, Advocate, SR.No.43124

+One cc to The Special Government Pleader, SR.No.44016

kmi

RL/5C/2P/JC/SAR1/21/2/2018

ORDER MADE IN
W.P. (MD) No.893 of 2018