



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17605 of 2015
and
MP(MD)No.1 of 2015

The Secretary,
Arulaiah Middle School,
Kttaidy, Valliyoor - 627 117,
Tirunelveli District.

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The District Elementary Educational
Officer,
Tirunelveli, Tirunelveli District.

3.The Assistant Elementary Educational
Officer,
Valliyoor, Tirunelveli District.

... Respondents

Prayer : Writ Petition is 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 issued by the second respondent District Educational Officer in Na.Ka.No.2432/A2/2015 dated 25.08.2015, quash the same and further direct the second respondent District Elementary Educational Officer to give approval forthwith to the appointment of Tmt.E.Sheela as Secondary Grade Teacher in the petitioner school w.e.f., 24.03.2015 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.K.Ragatheeskumar
for Mr.T.Cibi Chakraborty

For Respondents : Mr.J.Gunaseelan Muthaiah,
Additional Govt.Pleader

ORDER

The petitioner is a non minority school. A sanctioned vacancy arose in the post of Secondary Grade Teacher. After getting permission from the authority one Viji was appointed to the said



post. The said Viji had not possessed of the TET qualification. Therefore, the second respondent did not grant approval. The said Viji also resigned her post. In her place, one Sheela was appointed on 24.03.2015. When a proposal was submitted for approval of her appointment, the authority took the stand that prior permission was not obtained for filling up the said post. To that effect, the impugned order has been passed. Aggrieved by the same, this writ petition has been filed.

2.It is well settled that for making the appointment in respect of a sanctioned post, prior permission need not be obtained. In this case, for filling up the said post, already the management had obtained the prior permission and initial appointment made by the petitioner school was not approved by the second respondent for want of qualification. The said Sheela possesses full qualification to hold that post.

3.Therefore, the reason set out in the impugned order is unsustainable in law. Accordingly, it is quashed. The second respondent is directed to grant approval to the appointment of said Sheela as Secondary Grade Teacher with effect from 24.03.2015 and release the grant in aid forthwith and without any delay. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Director of Elementary Education,
College Road, Chennai - 600 006.

2.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

3.The Assistant Elementary Educational Officer,
Valliyoore, Tirunelveli District.

+1cc to Mr.CIBI CHAKRABORTHY, Advocate, SR.No. 53555

+1cc to M/s.Special Government Pleader,SR.No. 53635

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and

MP (MD) No.1 of 2015

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SKM

<https://hcservices.ecourts.gov.in/hcservices/>

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