

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.03.2018****CORAM:****WEB COPY****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) Nos.11750 to 11752 of 2017**

Saliar Mahajana Higher Secondary School,
Through its Secretary,
Aruppukkottai - 626 101,
Virudhunagar District. .. Petitioner in all the Writ Petitions

Vs.

- 1.The District Educational Officer,
Aruppukkottai.
2. The Chief Educational Officer,
Virudhunagar District, Virudhunagar.
- 3.The Director of School Education,
Higher Secondary Schools,
Chennai - 6.
- 4.The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai - 9. .. Respondents in all the Writ Petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's proceedings order அ.தி.மு.எண் .1819/ஆ3/17, அ.தி.மு.எண் .1820/ஆ3/17, and அ.தி.மு.எண் .1821/ஆ3/17, dated 19.05.2017 and quash the same and direct the respondents to approve the appointment of junior assistant, office assistant and record clerk respectively in the petitioner's school made on 01.03.2017 with all monetary service benefits.

For petitioner in all : Mr.M.Senthil Kumar
the Writ Petitions

For respondents in all : Mr.Jeyakumar
the Writ Petitions Additional Government Pleader

**COMMON ORDER**

Mr. Jeyakumar, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the main writ petitions are taken up for final disposal at the stage of admission itself.

2. The petitioner management is representing the appointees in all these writ petitions. Vacancies arose in the posts of Junior Assistant on account of the retirement of the incumbent on 30.04.2016, Office Assistant on account of the promotion of the incumbent on 02.07.2015 and Record Clerk on account of death of the incumbent on 24.04.2015. One K.Muthu Murugan, S.Karuppasamy and R.Mayilraj were selected and appointed to the said posts respectively with effect from 01.03.2017. But it appears that the stand of the respondents is that the prior permission was not obtained. It is needless to mention that this cannot be a ground for the denial of approval. It has been held by a catena of decisions that prior approval need not be obtained in such cases.

3. When vacancy arose in respect of the sanctioned post and the candidate concerned, who was appointed cannot be said to be ineligible, the respondents ought to have granted approval. In that view of the matter, the order impugned in these writ petitions are quashed. The second respondent/The Chief Educational Officer, Virudhunagar District is directed to grant approval for the appointment of the three non-teaching staff whose names have been mentioned in the writ petitions with effect from the respective dates of their appointment and also disburse consequential benefits and other monetary benefits forthwith and without any delay.

4. These Writ petitions are allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1.The Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St. George,



2.The Director of School Education,
Higher Secondary Schools,
Chennai - 6.

3.The Chief Educational Officer,
Virudhunagar District, Virudhunagar.

4.The District Educational Officer,
Aruppukkottai.

+3cc to Mr.M.Senthil Kumar, Advocate Sr.No.52805,52806,52807
+1cc to The Spl. Government Pleader Sr.No.52972

SJ

VB/SKN/RSK/SAR3/06.03.2017/3P/9C

ORDER MADE IN
W.P. (MD) Nos.11750 to 11752 of 2017
01.03.2018