



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 16960 to 16962 of 2017
and
W.M.P (MD) Nos. 13527 to 13529 of 2017

Gandhi Niketan G.Venkatachalapathy
Higher Secondary School
rep. by its Secretary,
Mrs.V.Radha
Gandhi Niketan Ashram,
T.Kallupatti,
Madurai - 625 702.

... Petitioner in all WPs

Vs.

1. Government of Tamil Nadu
rep. by Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 006.

2. The Director of School Education,
DPI, Campus,
College Road,
Chennai - 600 006.

3. The District Educational Officer,
Usilampatti,
Madurai District.

... Respondents in all WPs

PRAYER in W.P(MD)No.16960 of 2017: 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 order vide proceedings in Na.Ka.No.2405/AA3/2017 dated 01.08.2017 passed by the third respondent and quash the same and consequently direct the respondents to approve the appointment of Mr.K.Venkittaraman in the post of Office Assistant in the petitioner school with effect from 28.06.2017 i.e from his date of appointment with all consequential benefits.

PRAYER in W.P(MD)No.16961 of 2017: 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 order in Na.Ka.No.2407/AA3/2017 dated 01.08.2017 passed by



the third respondent and quash the same and consequently direct the respondents to approve the appointment of Mr.K.Shokkeswaran in the post of Record Clerk in the petitioner school with effect from 28.06.2017 i.e from his date of appointment with all consequential benefits.

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PRAYER in W.P(MD)No.16962 of 2017: 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 order in Na.Ka.No.2407/AA3/2017 dated 01.08.2017 passed by the third respondent and quash the same and consequently direct the respondents to approve the appointment of Mr.M.Muthukumar in the post of Lab Assistant in the petitioner school with effect from 28.06.2017 i.e from his date of appointment with all consequential benefits.

In all Wps;

For Petitioner : Mr.S.Chandrasekarn

For Respondent : Mr.J.Gunaseelanmuthiah
Addl. Govt. Pleader

COMMON ORDER

In all these writ petitions, the validity of the order passed by the third respondent declining to grant approval to the appointment of non-teaching staff is under question. It is not in dispute that in all the cases that the appointments were made in respect of sanctioned posts. It is also not in dispute that the appointees possess the qualifications required for being so appointed. The only ground on which the rejection orders have been passed is that the prior approval was not obtained. It has been consistently held by this Court that while filling up vacancy in respect of sanctioned post, there is no need to get prior permission. Therefore, the reasons set out in the impugned orders are clearly bad in law. Hence, the orders impugned in these writ petitions are quashed. The third respondent is directed to approve the appointments in question forthwith and also disburse the grant in aid towards salary and other benefits without delay.

2.With the above directions, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True copy/



To

1.The Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 006.

2.The Director of School Education,
DPI, Campus,
College Road,
Chennai - 600 006.

3.The District Educational Officer,
Usilampatti,
Madurai District.

+1CC TO M/S.S.CHANDRA SEKARAN, ADVOCATE, SR NO.53086

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.53596

W.P.(MD)Nos.16960 to 16962 of 2017
and

W.M.P(MD)Nos.13527 to 13529 of 2017
05.03.2018

SKN

MS/SKN-RSK/SAR-2/14.03.2018/3P.6C