

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.03.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) No.18612 of 2017**

Sahayarani Girls Higher Secondary School,
Rep. by its Correspondent,
Soosaiyapparpattinam,
Kalayarkovil,
Sivagangai District.

.. Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary to the Government,
Education Department,
Secretariate, Fort St. George,
Chennai -9.

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

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

4. The District Educational Officer,
Sivagangai, Sivagangai 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 pertaining to the impugned proceedings of the 4th respondent in ஓ.மு.எண்.1075/அ5/2017 dated 20.04.2017 and quash the same and consequently, direct the 4th respondent to approve the appointment of S.Anthony Sahaya Selvanathan made by the petitioner to the sanction post of Watchman from the date of appointment that is 01.03.2017 with all consequential benefits by considering the petitioner proposal dated 10.04.2017.

For petitioner

: Mr.R.Devaraj

For respondents

: Mr.K.Saravanan
Government Advocate

**ORDER**

Mr.K.Saravanan, learned Government Advocate 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 Watchman, on account of the retirement of the incumbent on 31.01.2003. One S.Antony Sahaya Selvarathnam was selected and appointed to the said post with effect from 01.03.2015. 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 the writ petition is quashed. The third respondent/The Chief Educational Officer, Sivagangai District is directed to grant approval for the appointment of S.Antony Sahaya Selvarathnam with effect from the date of his appointment and also disburse consequential benefits and other monetary benefits forthwith and without any delay.

4. The Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1.The Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.

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

<https://hccservices.courts.gov.in/Hccservices/Service/DisplayCaseDetails.aspx?CaseNo=12015/2015/RTI>
3. The Chief Educational Officer,
Sivagangai District, Sivagangai.



4.The District Educational Officer,
Sivagangai, Sivagangai District.

+1cc to Mr.R.Devaraj, Advocate Sr.No.52530

+1cc to The Spl. Government Pleader Sr.No.52916

SJ

VB/SKN/RSK/SAR3/06.03.2018/3P/7C

ORDER MADE IN
W.P. (MD) No.18612 of 2017
01.03.2018