



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19546 of 2017

&

WMP(MD)Nos.15835 & 15836 of 2017

K.Prakash

... Petitioner

Vs.

1.The District Elementary Educational
Officer,
O/o. The District Elementary Educational Office,
Pudukkottai,
Pudukkottai District.

2.The Additional Assistant Elementary
Educational Officer,
O/o.The Additional Assistant Elementary
Educational Office,
Pudukkottai,
Pudukkottai District.

3.The Head Master,
T.E.L.C. Middle School,
Aranthangi Taluk and Post,
Pudukkottai, Pudukkottai District.

4.Mr.Justice J.Kanagaraj,
Former Judge, High Court Madras,
Judge-Administrator,
T.E.L.C. Middle School,
P.B.No.86, Tranquebar house,
Tiruchirappalli - 620 001.

... Respondents

Prayer : These writ petitions are filed under Article 226 of the Constitution of India, calling for the records relating to the impugned order issued by the first respondent in his proceedings in ஓ.பி.எண்.552/அ3/2017, dated 20.04.2017 and quash the same as illegal and consequently to direct the first respondent to approve the appointment of the petitioner w.e.f., 01.06.2015 with all consequential monetary benefits within the period that may stipulated by this Court.



For Petitioner

: Mr.C.Venkatesh Kumar

For Respondents

: Mr.J.Gunaseelan Muthaiah,
Addl., Govt.Pleader

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O R D E R

Heard the learned counsel on either side.

2.The petitioner was appointed as a B.T.Assistant in the third respondent school on 29.06.2015 following the vacancy that arose on account of the transfer of the erstwhile incumbent. The petitioner was appointed in the vacancy that arose in a sanctioned post. The school management forwarded the proposal to the first respondent through the second respondent for approval of the petitioner's appointment and disbursement towards salary. The first respondent returned the proposal on the ground that the third respondent school is coming under the corporate management and that there are surplus teachers in the other institutions coming under the same management.

3.It has been held by the Hon'ble Division Bench of this Court in W.A.(MD).Nos.1292 of 2017 & 461 of 2014 dated 29.11.2017 that the department cannot reject the proposal on the ground that there is surplus staff strength in the other institutions coming under the same corporate management. This is because the posts are sanctioned posts.

4.Since the issue on hand is covered by the aforesaid Division Bench decision, this Court quashes the order impugned in this Writ Petition. The first respondent is directed to approve forthwith the appointment of the petitioner in the third respondent school with effect from 01.06.2015 and disburse the grant-in-aid towards his salary and also other consequential and attendant benefits.

5.This Writ petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

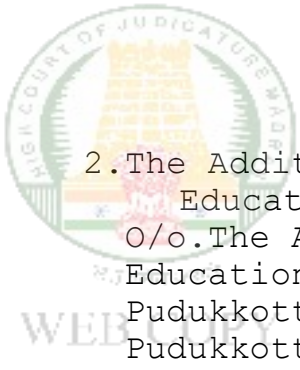
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Elementary Educational Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
O/o. The District Elementary Educational Office,
Pudukkottai, Pudukkottai District.



2.The Additional Assistant Elementary
Educational Officer,
O/o.The Additional Assistant Elementary
Educational Office,
Pudukkottai,
Pudukkottai District.

+1CC to Special Government Pleader in SR.No.43085.

+1CC to M/s. Ajmal Associates in SR.No.42812.

SKM

DS/RP/SAR-2 :11.07.2018: 3P/5C

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