



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No.23246 of 2017andW.M.P. (MD) Nos.19550 and 19551 of 2017

J.Anto Jebin

...Petitioner

Vs

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.
- 4.The District Educational Officer,
Nagercoil - 629 001,
Kanyakumari District.
- 5.The Correspondent,
Carmel Higher Secondary School,
Nagercoil - 629 004,
Kanyakumari District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent District Educational Officer in Na.Ka.No.7249/A4/2017 dated 12.11.2017, Quash the same and further Direct the 4th respondent District Educational officer to approve forthwith with the appointment of the petitioner as Record Clerk in the 5th respondent -school w.e.f. 15.06.2017 with all attendant benefits including arrears of salary and allowances.

For Petitioner

: Mr.S.Xavier Rajini

<https://hcservices.ecourts.gov.in/hcservices/> FOR R1 to R4

: M/s.S.Srimathy

Special Government Pleader

O R D E R

The writ petitioner was appointed as non teaching staff in the fifth respondent school. The appointment was in respect of a sanctioned post. The writ petitioner is having the requisite qualification. But the approval was declined on the ground that prior permission was not obtained.

2.This Court in so many cases has held that such prior permission need not be obtained. In this view of the matter, the order impugned is quashed. The fourth respondent is directed to approve the appointment of the writ petitioner and also grant salary and other consequential benefits to the writ petitioner.

3.Accordingly, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.
- 4.The District Educational Officer,
Nagercoil - 629 001,
Kanyakumari District.

+1cc to Tr.S.Xavier Rajini, Advocate, SR.No.59355
+1cc to The Special Government Pleader, SR.No.59250

mm

RL/7C/2P/SV/MMS/SAR4/2/5/2018

W.P. (MD) No.23246 of 2017
and

W.M.P. (MD) Nos.19550 and 19551 of 2017