

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 23.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P (MD) Nos.5706, 5707, 5708, 5709 & 5710 of 2018**and****W.M.P (MD) Nos.5595, 5596, 5597, 5598 & 5599 of 2018**

The Secretary,
Thilak Vidyalaya Higher Secondary School,
Kallidaikurichi,
Tirunelveli District.

... Petitioner in WP(MD)No.5706, 5708 AND 5710 OF 2018

The Secretary,
Thirthapathy Higher Secondary School,
Ambasamudram,
Tirunelveli District.

...Petitioner in WP(MD)Nos. 5707 and 5709 of 2018

Vs.

1.The Secretary to Government,
School Education Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.

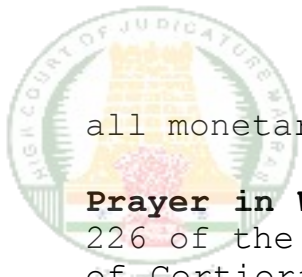
2.The Director of School Education,
College Road, Chennai - 6.

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

4.The District Educational Officer,
Cheranmahadevi Educational District,
Cheranmahadevi,
Tirunelveli District.

... Respondents in all WPs

Prayer in WP(MD)No.5706 OF 2018: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the impugned order passed by the fourth respondent in O.Mu.No.785/A3/2018, dated 09.03.2018 and to quash the same as illegal and direct the respondents to approve the appointment of S.Thiraviyam as Waterman as on 01.03.2018 and pay



all monetary benefits.

Prayer in WP(MD). 5707/ 2018 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus to call for the impugned order passed by the 4th respondent in Na.Ka.No.755A/A4/2018 dated 06.03.2018 and to quash the same as illegal and direct the respondents to approve the appointment of Mrs.N.Pushkala as Library Attender as on 26.02.2018 and pay all monetary benefits.

Prayer in WP(MD). 5708/ 2018 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the impugned order passed by the 4th respondent in O.Mu.No.787/A3/2018, dated 09/03/2018 and to quash the same as illegal and direct the respondents to approve the appointment of S.Sudalai as Sweeper as on 01/03/2018 and pay all monetary benefits.

Prayer in WP(MD). 5709/ 2018 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the impugned order passed by the 4th Respondent in Na.Ka.No.755/A4/2018 dated 06.03.2018 and to quash the same as illegal and direct the Respondents to approve the appointment of Mr.N.Sabarirajeswaran as Office Assistant as on 26.02.2018 and pay all monetary benefits.

Prayer in WP(MD). 5710/ 2018 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus to call for the impugned order passed by the 4th respondent in O.Mu.No.786/A3/2018 dated 09.03.2018 and to quash the same as illegal and direct the respondents to approve the appointment of Mrs.R.Rajalakshmi as Librarian as on 01.03.2018 and pay all monetary benefits.

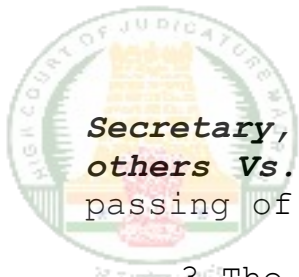
For Petitioners : Mr.K.R.Laxman

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

COMMON ORDER

The prayers in these writ petitions are to quash the impugned orders, by which the proposals sent by the petitioners, for approval of appointment of non-teaching staffs, were rejected mainly on the ground that prior permission for such appointment has not been obtained.

2.The learned counsel appearing for the petitioners submitted that the issue involved in these cases has already been settled by the decision of the Division Bench of this Court in **W.A.No.1596 of 2017, dated 28.11.2017 [The Government of Tamil Nadu, Rep. by its**



Secretary, School Education Department, St. George Fort, Chennai and others Vs. S.Thangamani] and hence, the learned counsel prayed for passing of similar order in these writ petitions also.

3. The relevant portions of the above said judgment read as follows:

"27. Thus, it is trite law that no prior permission is required from the Director of School Education/Elementary Education, as the case may be, to fill up a sanctioned post, in a minority institution. When the post of Record Clerk is sanctioned to Kalaimagal Kalvi Nilayam Girls Higher Secondary School, is entitled to fill up the above post and approval of appointment is granted only to satisfy as to whether the incumbent, who has been appointed to the post is qualified or not.

28. Therefore, holding that G.O.Ms.No.115, School Education (D2) Department, dated 30.05.2007, as inapplicable to the case on hand and rejecting the contention of Mr.PS.Shiva Shanmuga Sundaram, learned Special Government Pleader that prior permission is required from Directorate to fill up a sanctioned post and finding no merit, writ appeal is dismissed."

4. The above decision has not been seriously objected to by the learned Special Government Pleader appearing for the respondents.

5. This Court is of the view that the above judgment covers the issue involved in these writ petitions. Therefore, in the light of the judgment cited supra, the impugned orders are hereby quashed and the respondents are directed to approve the appointment of non-teaching staffs on the basis of the proposals sent by the petitioners and disburse the grant-in-aid towards their salary and allowances.

6. In the result, these Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar (CS)



To

1. The Secretary to Government,
School Education Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
 2. The Director of School Education,
College Road, Chennai - 6.
 3. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
 4. The District Educational Officer,
Cheranmahadevi Educational District,
Cheranmahadevi,
Tirunelveli District.
- 5CC'S TO MR. K.R. LAXMAN, ADVOCATE SR 62081
1CC TO THE SPL GOVT PLEADER SR 62736

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20/05/2019
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**W.P (MD) Nos. 5706, 5707,
5708, 5709 & 5710 of 2018
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