



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

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CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.5711 of 2019

and

W.M.P. (MD) No.4502 of 2019

M.Paul Retnam

... Petitioner

vs

- 1.The State of Tamilnadu,
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 at Nagercoil.
- 4.The District Educational Officer,
Nagercoil, Kanyakumari District.
- 5.The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari
No.71 A, Dennis Street,
Nagercoil-629 001.
- 6.The Correspondent,
LMS Higher Secondary School,
James Town, Kanyakumari District.
- 7.The Correspondent,
LMS Higher Secondary School,
South Tamaraikulam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to approve the appointment of the petitioner as Office Assistant from 15.02.2006 to 28.07.2009 in the seventh respondent school namely LMS Higher Secondary School South Tamaraikulam and disburse grant-in-aid towards her salary with all



attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mrs.S.Srimathy

Special Government Pleader
for R.1 to R.4

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ORDER

The Writ Petition is filed seeking a direction to the respondents 1 to 4 to approve the appointment of the petitioner as Office Assistant from 15.02.2006 to 28.07.2009 in the seventh respondent school namely LMS Higher Secondary School South Tamaraikulam and disburse grant-in-aid towards her salary with all attendant benefits including arrears of salary and allowances.

2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice for the respondents 1 to 4. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner was appointed as Office Assistant on 14.02.2006 in the seventh respondent School, however, her appointment was approved only with effect from 29.07.2009. Hence, she made several representations and finally on 04.12.2018 to the fourth respondent requesting to approve her appointment as Office Assistant in the seventh respondent School w.e.f., 15.02.2006 to 28.07.2009 and disburse grant-in-aid towards her salary. Since no action is forthcoming, the present Writ Petition has been filed by the petitioner.

4. The learned Counsel appearing for the petitioner submitted that a similar issue has already been decided by a Division Bench of this Court in W.A.(MD)No.213 of 2014, dated 26.02.2014, wherein it is stated as follows:

" 3. The learned Single Judge relied upon Rule 15 of the Tamil Nadu Private Schools (Regulation) Rules, 1974 which states that a prior approval is required for appointment of teaching staff and not in respect of non teaching staff which was upheld by the learned Single Judge as per the decision of this Court in A.Murugesan Vs. State of Tamil Nadu, represented by its Secretary and others reported in 2007(4) MLJ 561 and allowed the writ petition on the same lines.

4. We have perused the Rules as such and also the letter of the Chief Educational Officer, Tuticorin, dated 17.10.2012. The said letter is not a rejection but only states that approval will be given in future. Therefore, we are inclined to accept the finding of the learned



Single Judge that no prior permission is required in respect of non teaching staff.

5. We find no reason to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed."

Hence, he prays for appropriate orders.

5. The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the representation of the petitioner would be considered on merits within a time frame as fixed by this Court.

6. Considering the nature of prayer as sought for by the petitioner, without going into the merits of the petitioner's case, the respondents 1 to 4 are directed to consider the representation of the petitioner dated 04.12.2018 and pass appropriate orders on merits and in accordance with law and also in the light of the judgment passed by the Division Bench of this Court in W.A.(MD) No.213 of 2014, dated 26.02.2014, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary,
State of Tamilnadu,
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 at Nagercoil.

4.The District Educational Officer,
Nagercoil, Kanyakumari District.

1CC TO MR. S.XAVIER RAJINI, ADVOCATE SR 53725
1CC TO THE SPL GOVT PLEADER SR 53650

KK
15/04/2019
4P 7C

W.P(MD) No.5711 of 2019

12.03.2019

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