



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.22555 of 2019

and

W.M.P (MD) .No.19327 of 2019

J.Peter Stanislaus Vijay

... 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 Joint Director of School Education (Secondary)
College Road,
Chennai 600 006

4. The Chief Educational Officer
Tirunelveli - 627 009
Tirunelveli District

5.The District Educational Officer
Valliyoor 627 117
Tirunelveli District

6. The Correspondent
St.Aloysius Higher Secondary School
T.Kallikulam 627 113
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th and 5th respondents to approve forthwith the appointment of the petitioner as Office Assistant w.e.f the date of his appointment viz., 12.04.2006 in the 6th respondent School namely, St.Aloysius Higher Secondary School, T.Kallikulam and disburse all attendant benefits



including the arrears of salary and allowance in implementation of the orders of this Court, dated 06.03.2009 in W.P(MD).No.1721 of 2009.

For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Isaac Chambers

For R1 to R5 : Mr.A.Thiyagarajan
Government Advocate

ORDER

The Petitioner has come out with the present writ petition for a direction to the 4th and 5th respondents to approve the appointment of the petitioner as Office Assistant w.e.f. 12.04.2006 in the 6th respondent School namely, St.Aloysius Higher Secondary School, T.Kallikulam and disburse all attendant benefits including the arrears of salary and allowance in implementation of the orders of this Court, dated 06.03.2009, in W.P(MD).No.1721 of 2009.

2.Mr.A.Thiyagarajan, learned Government Advocate takes notice on behalf of the respondents 1 to 5. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was appointed as Office Assistant in the sixth respondent School on 12.04.2006 in a sanctioned post. The sixth respondent submitted the proposal to the fifth respondent on 12.04.2006 for approval of appointment of the petitioner. After various returns, the sixth respondent re-submitted the proposal for approval. In this circumstance, the sixth respondent School filed W.P(MD).No.1721 of 2009 for a direction to the respondents 1 to 5 to approve the appointment of the petitioner w.e.f. 12.04.2006. This Court by order dated 06.03.2009, directed the respondents 1 to 5 to disburse the grant-in-aid towards the salary of the petitioner, within a period of eight (8) weeks and allowed the Writ petition. In this circumstance, the first respondent issued G.O.Ms.No.189(D1), dated 29.07.2009 permitting the Director to fill up the vacant Non-Teaching posts in various Schools. Consequently, the second respondent Director vide proceedings dated 04.01.2010, permitted the school to fill up the vacant post of Office Assistant. While so, this Court in W.P(MD).No.11481 of 2008 etc batch, had considered the validity of G.O.Ms.No.115, dated 30.05.2007 and G.O.Ms.No.203, dated 23.07.2010 which was similar to G.O.Ms.189, dated 29.07.2009, had quashed the Government Orders, by order dated 15.03.2016, holding that once the appointment is made against the sanctioned vacancy, the same has to be approved from the date of appointment and directed the District Educational Officers to approve the appointment of Non-Teaching staffs from the date of their respective appointments. The



petitioner made a representation, dated 07.11.2016 to approve his appointment w.e.f. 12.04.2006 as per the earlier order of this Court, dated 06.03.2009 in W.P(MD).No.1721 of 2009 and to pay the monitory benefits. But, the respondents have not passed any order so far. Hence, the petitioner has come up with the present writ petition.

4.From the materials on record, it is seen that the sixth respondent School filed W.P(MD).No.1721 of 2009 for approval of appointment of the petitioner from 12.04.2006 and sought aid for salary to be paid to the petitioner and the same was allowed. In spite of such order, the fifth respondent approved the appointment of the petitioner only from 01.06.2009, based on G.O.Ms.No.189, dated 29.07.2009. The said G.O was quashed by this Court in a batch of Writ petitions in W.P(MD).No.11481 of 2008 etc., batch, dated 15.03.2016.

5. Considering the orders passed by this Court in W.P(MD).No.1721 of 2009, dated 06.03.2009 and in W.P(MD).NO.11481 of 2008 etc., batch, dated 15.03.2016, the respondents 4 and 5 are directed to approve the appointment of the petitioner w.e.f. 12.04.2006 and disburse all the monitory benefits from the date of appointment ie. from 12.04.2006 to 31.05.2009, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

msa

To

1. The Secretary, The State of Tamil Nadu
Department of School Education,
Fort.ST.George,
Chennai 600 009

2.The Director of School Education
College Road,
Chennai 600 006



3.The Joint Director of School Education (Secondary)
College Road,
Chennai 600 006.

4.The Chief Educational Officer,
Tirunelveli - 627 009,
Tirunelveli District.

5.The District Educational Officer
Valliyoor 627 117,
Tirunelveli District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate SR-94509.
+1 CC to SPL GP SR-94641.

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