



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18880 of 2021

(Through Video Conferencing)

Aided Elementary School,
Rep by its Secretary/Manager,
Gunamangalam,
Vellaiyur Post - 606 107,
Ulunderpet Taluk,
Kallakurichi District.

... Petitioner

Vs

- 1.The Director of Elementary Education,
College Road, Chennai - 600 006.
- 2.The Chief Educational Officer,
Kallakurichi, Kallakurichi District.
- 3.The District Educational Officer,
Ulundurpet, Kallakurichi District.
- 4.The Block Educational Officer,
Ulundurpet, Kallakurichi District.

5.K.Karthikeyan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 2 and 4 to grant approval for the appointment of the 5th respondents as Secondary Grade Teacher in the Petitioner's School with effect from 22.02.2019 together with salary and all other attendant and monetary benefits by considering the petitioner's representations dated 25.02.2019 and 23.03.2020.

For Petitioner : Mr.R.Kamaraj

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate for R1 to R4



ORDER

The law on the subject as to whether approval is required in a aided non-minority institutions has been clarified vide its order dated 22.01.2020 in W.A.No.3961 of 2019 by the Hon'ble Division Bench of this Court. The petitioner's school has appointed one K.Karthikeyan on 22.02.2019 in place one P.Vijayakumar who retired on 08.01.2019. However, the said appointment has been made without obtaining approval from the respondents in terms of Section 15 of the Tamil nadu Recognised Private Schools (Regulation) Rules, 1974.

2.After the appointment was made an application for approval was also sent by the petitioner's school on 23.03.2020. However, this did not yield any positive response from the respondents. Considering the facts, an application has made as early as 23.03.2020, for approval of the appointment of Thiru.K.Karthikeyan, the respondent is directed to consider and dispose the same within a period of 45 days from the date of receipt of a copy of this order in the light of the order dated 22.01.2020 in W.A.No.3961 of 2019 of the Hon'ble Division Bench of this Court. In case, the 5th respondent Thiru K.Karthikeyan is otherwise eligible for being appointed in the school of the petitioner, appropriate approval may be given to the school from the date of initial appointment. This exercise shall be carried out by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

3.This writ petition is disposed of. No costs.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

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To

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Kallakurichi, Kallakurichi District.
3. The District Educational Officer,
Ulundurpet, Kallakurichi District.



4. The Block Educational Officer,
Ulundurpet, Kallakurichi District.

+1 C.C.to MR.R.KAMARAJ, ADVOCATE, SR.NO.45496/2021

+1 C.C.to GOVERNMENT PLEADER, SR.NO.45909/2021

W.P.No.18880 of 2021

GPL (CO)
RA 22/10/2021