



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)Nos.5592 & 5595 of 2018

and

W.M.P. (MD)Nos.5493 & 5496 of 2018

WEB COPY

The Correspondent,
Christ the King High School,
Piracode, Fathima Nagar,
Kanyakumari District - 629 160

...Petitioner in both WPs

/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 - 600 009.

3.The Chief Educational Officer,
Kanyakumari at Nagercoil,
Kanyakumari District.

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

...Respondents in both WPs

COMMON PRAYER:- Writ Petitions - filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 4th respondent, District Educational Officer herein to approve the appointment of A.Florance as Scavenger (Part-time) and C.Leela as Sweeper (Part-time) in the petitioner's school w.e.f., the date of their appointments viz., 01.06.2009, with all attendant benefits including the arrears of salary and allowance.

For Petitioner	: Mr.K.Ragatheeshkumar (in both WPs) for M/s.Isaac Chambers
For Respondents	: Mr.K.S.Selvaganesan (in both WPs) Standing Counsel for State

COMMON ORDER

The petitioner in these writ petitions is the Christ the King High School, which has sought a mandamus directing the fourth respondent, District Educational Officer/R4/DEO to approve the appointment of A.Florance and C.Leela (referred to as 'individuals'



in the interests of brevity) as scavenger and sweeper, both part time in the School, with effect from the dates of their appointments being 01.06.2009 in both cases, with all attendant benefits including arrears of salary and allowances as may be applicable.

2. An order of staff fixation for the year 2009-2010, dated 26.08.2009 reveals and establishes that the aforesaid individuals have been employed in sanctioned posts. Pursuant to their employment, the petitioner sought approval of their appointments, which came to be rejected by an order passed on 20.03.2012 by R4 returning the request for approval citing G.O.Ms.No.115, School Education Department, dated 30.05.2007.

3. The aforesaid GO provided for the appointments of the employees in various categories including scavengers and sweepers on outsourced basis. Reference to this GO will not come to the aid of the respondents, insofar as the said GO has come to be considered and quashed by a learned Single Judge of this Court in a batch of writ petitions in the case of *Deva Asir Vs. The Secretary to Government, School Education Department and others* [2016-3-L.W.152].

4. In the light of the aforesaid, there is no further impediment to the grant of approval as sought for and a direction is thus issued to R4/ District Educational Officer, to approve the appointments of the individuals and disburse their salary and other benefits as applicable to them, within a period of eight weeks from the date of uploading of this order in the official website of this Court. The mandamus as sought for stands achieved and these writ petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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 - 600 009.

3.The Chief Educational Officer,
Kanyakumari at Nagercoil,
Kanyakumari District.

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

+2 CC to M/s.ISAAC CHAMBERS, Advocate (SR-34355[F] dated 12/11/2021
)

Common Order made in
W.P. (MD) Nos.5592 & 5595 of 2018

(2/2)

Dated:

11.11.2021

sj (CO)

TR/skn(18.11.2021) 3P 7C