



W.P(MD)Nos.13011 & 13012 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.13011 & 13012 of 2018

W.P(MD)No.13011 of 2018:

Sangu Nadar

... Petitioner

Vs

- 1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
St.Fort George,
Chennai – 9.
- 2.The Director of School Education,
DPI Compund,
College Road,
Chennai – 6.
- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The District Educational Officer,
Tenkasi Educational District,
Tirunelveli.
- 5.The Secretary,
Thiru.C.P.Athithanar Girls High School,
Rayagiri, Sivagiri (Via),
Tirunelveli District.

... Respondents



W.P(MD)Nos.13011 & 13012 of 2018

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in respect of order passed by fourth respondent in Na.Ka.No.1180/A4/2018 dated 26.05.2018 and quash the same and consequently direct the fourth respondent to approve the appointment of petitioner as Record Clerk and disburse all the service and monetary benefits from 01.06.1994.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R.1 to R.4

W.P(MD)No.13012 of 2018:

V.Karmegam

... Petitioner

Vs

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5. The Secretary,
Thiru.C.P.Athithanar Girls High School,
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... Respondents

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For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R.1 to R.4

COMMON ORDER

Heard the learned counsel on either side.

2. The writ petitioners claim that they are working as Record Clerk and Watchman in Thiru.C.P.Athithanar Girls High School, Tirunelveli District. Since 1991. They seek approval of their appointments and disbursement of the salary arrears. By the impugned orders dated 26.05.2018, the Competent Authority has taken the stand that their request cannot be considered in view of the Section 14(A) of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973. Questioning the same, the present writ petitions have been filed.



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3. The reason set out in the impugned orders is not sustainable. The authority has proceeded on the premise that the School in question is not receiving any aid. The School in question was started as primary school in 1937. It was upgraded as Girls Higher Secondary School in the year 1989. Recognition was duly granted and it is also receiving aid. For instance, vide order dated 13.12.2012 in W.P.No.23847 of 2012 filed by the Management, the Department was directed to approve the appointment of a Physical Education Teacher with effect from 1998 and release the arrears also. It is stated that the said order has since been complied with. Therefore, the competent authority fell into error in assuming that Section 14(A) of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 is applicable to the case on hand. On this ground, the orders impugned in the writ petitions are set aside. The matters are remitted to the file of the competent authority.

4. The learned Special Government Pleader would strongly contend that the posts in question namely, Record Clerk and Watchman were never sanctioned and therefore, the appointment of the petitioners herein to the said posts cannot be approved by the Department. This reason has not been set out in the impugned orders.



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5. The competent authority is directed to issue notices to the writ petitioners and after hearing them in person, pass final orders on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. Such an order will be passed within a period of eight weeks from the date of receipt of a copy of this order. These writ petitions are allowed accordingly. No costs.

07.11.2022

Index : Yes / No
Internet : Yes/ No
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To

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