



W.P(MD)No.6262 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6262 of 2023

A.Arul Vinod Kumar

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Department of School Education,
St.George Fort, Chennai – 9.

2.The Commissioner of School Education,
DPI Campus, Chennai – 6.

3.The Chief Educational Officer,
Sivagangai District.

4.The District Educational Officer,
Sivagangai, Sivagangai District.

5.Okku Vellaiyappan Chettiar Higher Secondary School,
Represented by its Secretary,
Manamadurai, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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Respondent No.3 to grant approval to the appointment of the petitioner in the post of PG Assistant (Zoology) in the 5th Respondent School with effect from 25.09.2015 by considering the proposal submitted by the 5th Respondent dated 25.09.2015 and in the light of the Judgment rendered by this Court in W.P.(MD).No.1283 of 2016 dated 23.11.2022 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman,
For M/s.Lajapathi Roy and Associates.

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R4.
Mr.N.Sathish Babu for R5.

ORDER

Heard the learned counsel on either side.

2.The fifth respondent is a non-minority educational institution. It is receiving aid from the State. Vacancy arose in the post of P.G.Assistant (Zoology) following the retirement of the incumbent Thiru.N.Ramanathan. The fifth respondent applied to the department and the Chief Educational Officer, Sivagangai vide proceedings dated 01.09.2015 granted permission to the management to fill up the vacancy.



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On 25.09.2015, the petitioner was appointed after following due procedure. Proposal was submitted for approval of the petitioner's appointment. On 01.12.2015, the school was brought under direct payment system. This reason was cited for keeping the proposal pending. The learned counsel for the petitioner informs the Court that the order bringing the school under direct payment was also subsequently set aside.

3. My attention is drawn to the order dated 03.11.2022 made in W.P.(MD)No.4649 of 2020 (L.Priyadharshini Vs. The District Educational Officer and Others). In the decision, I had held as follows:-

“4. I carefully considered the rival contentions and went through the materials on record. The school management appointed the writ petitioner after getting permission from the competent authority. Now the question that arises for consideration is whether the competent authority can now do an 'U' turn and say no to the proposal seeking approval of appointment. The issue on hand is no longer res integra. Vide order dated 20.09.2022 in W.P.(MD)No.8163 of 2020, I had



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held that when the school management appointed the candidate in terms of and pursuant to the permission granted by the competent authority, approval cannot be denied.”

4.I have to necessarily adopt the same approach in this case also. The petitioner was appointed by the management only after getting approval from the department. The petitioner is having the requisite qualification. There is absolutely no tenable reason for not disposing of the proposal.

5.Applying the principle set out in the order dated 03.11.2022 made in W.P.(MD)No.4649 of 2020, I direct the third respondents to approve the proposal for approving the appointment of the petitioner herein as P.G.Assistant (Zoology) with effect from 01.09.2015. The necessary salary grant shall also be released. The exercise of issuing formal proceedings for granting approval as well as disbursement of salary grant shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.



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6.This writ petition is allowed on these terms. No costs.

26.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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