



W.P(MD)No.23638 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23638 of 2023

and

W.M.P(MD)Nos.19809, 19810, 24406 & 24435 of 2023

A.Ponnin Selvi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.

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

3.The Chief Educational Officer,
The Office of the CEO, Thanjavur,
Thanjavur-613 001.

4.The District Educational Officer,
The Office of the DEO,
Kumbakonam, Thanjavur District.

5.The Correspondent,
St. Gabriel's Girls Higher Secondary School,
Pasupathikoil, Thanjavur-614 206.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 26.07.2023 in Na.Ka.No. 1078/AA1/2023 on the file of the third respondent and quash the same, directing the respondents to accord approval to the appointment of the petitioner Miss.Ponnin Selvi, working as Record Clerk in St. Gabriel's Girls Higher Secondary School, Pasupathikoil, Thanjavur District - 614 206 with effect from 03.06.2019 with all monetary and other service benefits.

For Petitioners : Mr.FR.S.Savarimuthu
For R-1 to R-4 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a Record Clerk, who was appointed in the fifth respondent School challenging the order passed by the Chief Educational Officer, wherein her appointment has not been approved on the ground that there are surplus Record Clerks in other aided Schools of the same District.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as a Record Clerk on 03.06.2019 in the fifth respondent School. The fifth respondent School is a Corporate Management



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having two Schools under their administration. He further contends that there are no surplus Record Clerks for the academic year 2019-2020. This is also reflected in the staff fixation order of both the Schools. Hence, he prays for allowing the writ petition.

3. Per contra, the learned Government Advocate appearing for the official respondents contended that incase if there are surplus Record Clerks within the Corporate Management, they have to be redeployed and approval cannot be granted to a fresh appointment.

4. I have carefully considered the submissions made on either side and perused the materials available on record.

5. It is an admitted fact that the fifth respondent School is under a Corporate Management, who were running two Schools under their administration. According to the learned Counsel appearing for the petitioner, there are no surplus Record Clerks in both the Schools. It is settled position of law, that no prior permission need to be obtained for filling up the post of non-teaching staff.



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6. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the third respondent herein. The third respondent shall verify the staff fixation order of both the Schools and in case if he arrives at a finding that there are no surplus Record Clerks in both the Schools in the academic year 2019-2020, he shall proceed to approve the appointment of the writ petitioner with effect from 03.06.2019 with all attendant benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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- To
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R.VIJAYAKUMAR, J.

BTR

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