



W.P.(MD).No.25172 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25172 of 2023

Pachayappa High School,
Represented by its Secretary,
P.G.Lakshmivasan
Uppukottai,
Bodihayakkanur Taluk,
Theni District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Theni District.
2. The District Educational Officer,
Uthamapalayam,
Theni District.

... Respondents

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 relating with the order of the first respondent made in Na.Ka.No. 3972-A1-2023, dated 14.09.2023 and quash the same as it is illegal and in consequence to direct him/her to approve forthwith, the appointment of one Tmt.Poun, as Sweeper in the petitioner School, with effect from 15.02.2018,



W.P.(MD).No.25172 of 2023

with all attendant benefits including the arrears of salary and allowance.

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For Petitioner : Mr.R.Suriya Narayanan
For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by an Aided Non-Minority School challenging the order passed by the first respondent herein, wherein, the appointment of Sweeper in the said School has not been approved.

2. According to the learned counsel appearing for the writ petitioner, one Tmt.Poun has been appointed as Sweeper on 15.02.2018 and the proposal was sent to the authorities for approving her appointment under the impugned order, dated 14.09.2023. The first respondent herein has rejected the said proposal on the following grounds:

(i) The School Committee of the petitioner's School has not passed any resolution or has not obtained prior permission from the Education Department;

(ii) There is a discrepancy between the date on which the interview



W.P.(MD).No.25172 of 2023

was conducted and the signature of the Headmaster in the selection report;

(iii) The appointment order does not reflect the person to whom it is addressed;

(iv) The appointment order has been issued post-dated ; and

(v) The vacancy was prevailing for more than eight years and suddenly, steps have been taken to fill up the said post.

Challenging the said order, the present writ petition has been filed.

3. After filing the writ petition, the learned Government Advocate appearing for the respondents was directed to verify with regard to the discrepancy between the date of interview and the signature of the Headmaster in the selection list. After verification, it has been found to be an inadvertent mistake. The other reasons assigned in the impugned order are frivolous in nature except the reason that no prior permission has been obtained from the authorities before the appointment.

4. The Hon'ble Division Bench of this Court reported in **2021(6) CTC 594 (the Director of School Education, DPI Campus, College Road, Chennai and two others Vs. S.Murugan)** has categorically held that for



W.P.(MD).No.25172 of 2023

filling up the post of sanctioned non-teaching post, there are no rules to seek prior permission from the educational authorities. In view of the Division Bench order, this Court is of the view that all the reasons assigned in the impugned order for rejecting the said request are not sustainable in law.

5. In view of the above said facts, the first respondent herein is directed to approve the appointment of one Tmt.Poun as a Sweeper in the petitioner's School with effect from 15.02.2018 with all attendant benefits within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this writ petition stands disposed of. There shall be no order as to costs.

30.11.2023

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.25172 of 2023

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To

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W.P.(MD).No.25172 of 2023

R.VIJAYAKUMAR,J.

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W.P(MD)No.25172 of 2023

30.11.2023

1/2