



WEB COPY



W.P.No.2095 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2095 of 2024 and
W.M.P.No.2247 of 2024

The Muslim Higher Secondary School,
Represented by its Correspondent,
Hajee K.A.M.K.Mohideen Abdulkader,
Sivakasi-626 123.

...Petitioner

-Vs-

- 1) The Director of School Education,
College Road, Chennai-6.
- 2) The Joint Director of School Education (Personnel),
College Road, Chennai-6.
- 3) The Chief Educational Officer,
Virudhunagar District.
- 4) The District Educational Officer,
Sivakasi, Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 4th respondent in his



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proceedings Oo.Mu.No.4229/Aa5/2022 dated 17.11.2022 and the subsequent impugned order passed by 4th respondent in his proceedings Oo.Mu.No.6301/Aa/2023 dated 17.11.2023 and quash the same and consequently directing the 3rd respondent to grant approval of the appointment of C.Hajee Syed Mohammed in the post of full time Night Watchman to the petitioner school.

For Petitioner	: Mr.R.S.Anandan
For Respondents	: Mr.S.Rajesh, Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent dated 17.11.2022 and the subsequent order dated 17.11.2023 thereby returned the proposal sent for approval for the appointment of one, C.Hajee Syed Mohammed in the sanctioned post of full time Night Watchman.

2. The petitioner school is Minority Aided Educational Institution and receiving grant from Government of Tamilnadu. The post of full time night watchman had been vacant due to the retirement of one A.Mohammed



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Usen on 30.06.2022. The said post is a sanctioned post by the Government

Authority. Therefore, C.Hajee Syed Mohammed had been appointed as full time Night Watchman. Accordingly, he joined duty on 17.11.2022. The petitioner had sent a proposal for approval for his appointment before the 3rd respondent through 4th respondent dated 14.09.2022. However, the 4th respondent by its communication dated 17.11.2022 had returned the proposal for approval by referring G.O.Ms.No.238, School Education Department dated 13.11.2018. Once again, it was re-presented for approval by the petitioner to the 3rd respondent through the 4th respondent. The 4th respondent by its proceedings dated 17.11.2023 had returned the proposal sent by the school management for approval of appointment of full time night watchman, once again citing the very same G.O.Ms.No.238, School Education Department dated 13.11.2018 relating to the revised norms fixed for non teaching post in the Government aided high school and higher secondary schools. Therefore, it cannot be relied upon by the 3rd respondent to deny the approval of appointment of night watchman. That apart, as per G.O.Ms.No.238 dated 13.11.2018, declared sanctioning of maximum number of posts of Junior Assistant/Library



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Assistant/Clerk/Office Assistant/Record Clerk/Watchman for the

Government Aided School. Whereas the post of night watchman is made available by the Government for Aided School as per G.O.Ms.No.238. Even in the year 2022-2023 and 2023-2024, post of night watchman is a sanctioned post and the same is vacant. Therefore, the third respondent ought not to have cited the G.O.Ms.No.238 dated 13.11.2018 and returned the approval for appointment to the post of night watchman. That apart, there is no surplus post of night watchman in the petitioner's school.

3. In view of the above, the petitioner is directed to send a fresh proposal for approval of appointment of C.Hajee Syed Mohammed in the post of full time Night Watchman in the petitioner's school forthwith. Further, the 3rd respondent is directed to approve the proposal of the petitioner within a period of two weeks from the date of receipt of copy of this order.



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4. With the above direction, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

01.02.2024

Index : Yes/No

Internet: Yes/No

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To

- 1) The Director of School Education,
College Road, Chennai-6.
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G.K.ILANTHIRAIYAN,J.
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