



WP(MD) No.22203 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.22203 of 2022

and

W.M.P(MD)No.16379 & 16380 of 2022

The Secretary,
SAV Higher Secondary School,
Tuticorin – 628 002.

... Petitioner

Vs.

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

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



WP(MD) No.22203 of 2022

3. The Chief Educational Officer,
Tuticorin District,
Tuticorin – 628 002.

4. The District Educational Officer,
Tuticorin - 628 002,
Tuticorin 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 to the impugned proceeding issued by the 4th respondent District Educational Officer in Na.Ka.No. 286/A4/2022 dated 04.02.2022, quash the same and further direct the 3rd respondent Chief Educational Officer to approve forthwith the appointment of M.Ganesh Kumar as Office Assistant in the petitioner's school w.e.f. the date of his appointment w.e.f. 13.09.2021, with all attendant benefits including the arrears of salary and allowances.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.T.Amjad Khan

Government Advocate



WP(MD) No.22203 of 2022

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned proceeding issued by the 4th respondent District Educational Officer in Na.Ka.No. 286/A4/2022 dated 04.02.2022 and further direct the 3rd respondent Chief Educational Officer to approve forthwith the appointment of M.Ganesh Kumar as Office Assistant in the petitioner's school w.e.f. the date of his appointment w.e.f. 13.09.2021, with all attendant benefits including the arrears of salary and allowances.

2. Heard Mr.K.Prabhu, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

3. The petitioner School has appointed one M.Ganesh Kumar as Office Assistant through proceedings, dated 13.09.2021. The petitioner School sent a proposal on 27.09.2021 for approving his appointment on 13.09.2021 to the third respondent through the fourth



WP(MD) No.22203 of 2022

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respondent and the same was returned by the fourth respondent on 04.02.2022. Hence, the petitioner has filed this writ petition.

4. The petitioner who claims that he is a minority institution and for whom the rule with regard to prior permission is not applicable. Even in the impugned order, it has not been stated that prior permission in respect of the petitioner school, even though it is a minority institution is essential. It has simply stated that in respect of appointment made in respect of aided schools, prior permission ought to have been obtained in G.O.(Ms)No.101.

5. It is further stated that in the event of not obtaining prior permission, the compliance as to the paper publication and all other guidelines should have been followed for appointment. The petitioner claims that he is a minority institution and for which, prior approval is not necessary and it is up to the petitioner to furnish the documents showing how the appointment has been made and whether the mandates of the rules for appointment has been complied with.



WP(MD) No.22203 of 2022

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6. Since the impugned order is only a returned order and not a rejection order, the petitioner can comply with the requirement and request for further orders.

7. With the above observation, this writ petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

18.06.2024

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

RM



WP(MD) No.22203 of 2022

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To

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2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Tuticorin District,
Tuticorin – 628 002.
4. The District Educational Officer,
Tuticorin - 628 002,
Tuticorin District.



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WP(MD) No.22203 of 2022

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.22203 of 2022

Dated:
18.06.2024