



W.A.(MD) No.2622 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD) No.2622 of 2024

T.Lizzie

... Appellant

-vs-

- 1.The State of Tamil Nadu
rep.by its Secretary to Government
School Education Department
Secretariat, Chennai-9
- 2.The Director of School Education
College Road, Chennai
- 3.The Chief Educational Officer
Nagercoil
Kanyakumari District
- 4.The District Educational Officer
Thuckalay
Kanyakumari District
- 5.The Correspondent
LMS Higher Secondary School
Kadamalaikuntu
Mekkamandapam Post
Kanyakumari District

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 14.12.2022, passed in W.P.(MD) No.4316 of 2020, on the file of this Court.

For Appellant : Mr.B.Arun Prasath

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 to R4
Mr.Jeen Felix
for Mr.S.C.Herold Singh for R5

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

Heard the learned counsel for the appellant.

2. The unsuccessful writ petitioner is the appellant herein.

3. The appellant filed the writ petition seeking for a direction to the fourth respondent to approve her appointment as Office Assistant with effect from 15.02.2006 i.e., from the date of appointment and to regularize her service from 15.02.2006 to 31.05.2009, by considering the proposals of the



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fifth respondent, dated 30.04.2019, 30.07.2019 and the reminder proposal dated 07.02.2020 and to disburse all the monetary and service benefits consequent to the same.

4. The learned Single Judge, after hearing both sides and also taking into consideration various Government Orders, as extracted in Paragraph No.4 of the order, has rendered a factual finding that the service matrix of the appellant is not in dispute and her grievance is that she was appointed as Office Assistant on 15.02.2006 by the fifth respondent, however, her service was regularized only on 01.06.2009 *vide* order dated 03.03.2010 and not from the date of her initial appointment i.e., from 15.02.2006.

5. The learned Single Judge also observed that in the present case, without getting prior approval from the Education Department, the non-teaching post was filled up by the fifth respondent School. Thereafter, the fifth respondent School forwarded a proposal for approval of appointment to the fourth respondent. The approval was granted only on 03.03.2010 with effect from 01.06.2009. Though the said appointment was approved only in the year 2009, after lapse of 10 years, the fifth respondent School, at the instigation of the appellant, sent a proposal for approval of her appointment from the date of



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her initial appointment. However, no reason was assigned in the proposal for not taking steps for more than a decade and belatedly sent the proposal after lapse of 10 years, which is not sustainable one. Accordingly, dismissed the writ petition.

6. After going through the order of the learned Single Judge, we find that in the present case, without getting prior approval from the Education Department, the non-teaching post was filled up by the fifth respondent School. Further, it is also noticed that the teaching staff and non-teaching staff are governed by separate Rules. Hence, we do not find no ground to interfere with the order passed by the learned Single Judge.

7. Accordingly, this writ appeal is dismissed. No costs.

[T.K.R., J.]

[N.S., J.]

02.01.2025

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

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