

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and

The Hon`ble Mrs.Justice R.HEMALATHA

WA(MD) No.36 of 2018

and

CMP(MD)No.210 of 2018

THE DISTRICT EDUCATIONAL OFFICER MUSIRI,
TRICHY DISTRICT .

... APPELLANT/1st RESPONDENT

Vs

1 N.SAMBATHKUMAR

... 1st RESPONDENT / WRIT PETITIONER

2 THE SECRETARY

SWAMY VIVEGANATHA VIDYALAYAM HIGHER

SECONDARY SCHOOL VAIRICHETTIPALAYAM,

TRICHY DISTRICT -12

... 2nd RESPONDENT /2nd RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to prefer the following Memorandum of grounds of writ appeal as against the order dated 19.6.2017 in W.P(MD) No.10965 of 2017

PRAYER IN WP(MD). No.10965 of 2017

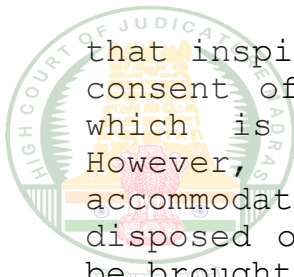
To issue a writ of Mandamus directing the 1st respondent to accord approval for appointment of the petitioner in the post of Junior Assistant in the 2nd respondent School with effect from 02.02.2017 on the basis of the proposal of the 2nd respondent dated 03.03.2017 within time frame fixed by this Honble Court.

Prayer in CMP(MD). 210/ 2018 :

To grant an order of interim stay of operation of order dated 19.6.2017 passed by this Honourable Court in W.P(MD) No.10965 of 2017 pending disposal of the above writ appeal

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.R.SHANMUGANATHAN, Special Government Pleader for the petitioner, and of Mr.B.SARAVANAN, Advocate for R1, and the court made the following order:-

(Order of the Court was made by M.SATHYANARAYANAN,J.)



that inspite of sanctioned non-teaching post, prior approval for the consent of the concerned authorities is not required for the post which is meant for Scheduled Caste (Arunthathiyar community). However, the person belonging to the Open Category has been accommodated in the said post and since, the said writ petition was disposed of at the admission stage itself, the said fact would not be brought to the notice of the Court.

WEB COPY

2. Notice through Court as well as privately to the respondents returnable on 08.02.2018 and the learned Special Government Pleader is also permitted to serve papers on Mr.B.Saravanan, who appeared for the first respondent in the writ petition.

3. In the light of the above facts and circumstances, *prima facie* case was made out for granting interim order and hence, there shall be an order of stay of the operation of the order directing the appellant / first respondent to grant approval, till 08.02.2018.

4. Call on 08.02.2018.

sd/-
10/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE DISTRICT EDUCATIONAL OFFICER MUSIRI,
TRICHY DISTRICT

JAM/18/01/2018/SMA-VR/ SAR 1/ 2P-2C

ORDER
IN
WA(MD) No.36 of 2018 and
CMP(MD) No.210 of 2018
Date : 10/01/2018