



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.8368 of 2014

and

M.P (MD) Nos.1 to 3 of 2014

D.Samuvelrajasingh

... Petitioner

vs.

1)The Secretary,
Department of School Education,
Tamil Nadu Secretariat,
St.George Fort, Chennai.

2)The Director,
Department of School Education,
DPI Compound, Chennai.

3)The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

4)The Correspondent,
Cathedral Higher Secondary School,
Tirunelveli,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the order passed by the 3rd respondent in Na.Ka.No.6123/A3/2013 dated 5.5.2014 and quash the same and consequently direct the 3rd respondent to disburse monthly salary and monetary benefits to the petitioner with effect from 5.6.09.

For Petitioner : Mr.S.Chellapandian for Mr.T.Palanisamy

For R1 to R3 : Mr.Aayiram K.Selvakumar,
Government Advocate

For R4 : No appearance

ORDER

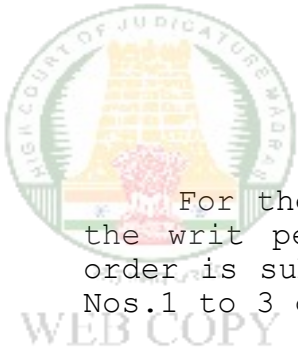
Aggrieved by the impugned order dated 05.05.2014 passed by the District Educational Officer, Tirunelveli, 3rd respondent herein, the petitioner has filed this writ petition to quash the same with the consequential direction to the 3rd respondent to disburse monthly salary and monetary benefits with effect from 05.06.2009 except for the month of July 2013.



2. Learned counsel for the petitioner would submit that the petitioner was appointed as a Tamil Pandit in Cathedral Higher Secondary School at Tirunelveli, on 05.06.2009 in the vacancy caused due to the retirement of one Kalanjiyam. Since the petitioner was fully qualified as he has also got the Bachelor degree in Tamil and also enrolled his name in the employment exchange, he was considered to the said post managed and administered by the CSI division, Tirunelveli which is also a minority institution.

3. He further submitted that one Mrs. Ruby Sujatha who was earlier appointed in the place of Kalanjiyam by an incompetent authority, was ousted from the said post by the management by proceedings dated 01.09.2008. The said order was challenged by Ruby Sujatha in W.P(MD) No.8052 of 2008. However, the said order of ousting Mrs. Ruby Sujatha was upheld by way of dismissing the said writ petition on 28.05.2009. Aggrieved by the same, she filed W.A(MD) No.377 of 2009 on 26.03.2010. As there was no any interim order in the said writ appeal, proposals were sent on 29.07.2009 for approval of the appointment of the petitioner, however, the 3rd respondent/District Educational Officer, Tirunelveli, had kept the proposals pending without passing any order, in view of the pendency of the writ appeal. Subsequently, the writ appeal was allowed reversing the order passed in W.P(MD) No.8052 of 2008. Being aggrieved, the 4th respondent school took up the matter to the Apex Court in SLP.Nos.16701-16705 of 2010 and the Hon'ble Apex Court has granted an order of status quo on 14.07.2010, in view thereof, the 3rd respondent keeping in mind that the petitioner has been working continuously in the school without salary for about 5 years, granted approval by proceedings dated 17.07.2013. Based on the approval granted to his appointment, the petitioner has received his salary for the month of July 2013 from the respondents, but however, shortly the 3rd respondent has cancelled the order of approval of his appointment without any reasonable cause, therefore, the petitioner filed W.P(MD) No.14385 of 2013 and this Court has granted an interim order of stay against the order dated 14.08.2013 cancelling the approval granted to the petitioner. Again, the respondents failed to pay salary, hence, the petitioner filed Contempt Petition No.1154 of 2013. Finally, the writ petition was taken up along with contempt petition and the impugned order cancelling the appointment of the petitioner was set aside with a direction to the 3rd respondent to pass appropriate order in respect of the petitioner's request for approval of his appointment. Again, the 3rd respondent issued a show cause notice on 27.01.2014 calling upon the petitioner to explain as to why his order of appointment should not be cancelled, for which, the petitioner submitted a detailed explanation dated 14.02.2014.

4. Although a detailed counter affidavit has been filed in an effort to support the impugned order, this Court keeping in mind that the order passed by the Hon'ble Apex Court in SLP.Nos.16701-16705 of 2010 dated 14.07.2010 granting an order of status-quo which has given rise to the reinstatement of the petitioner to the post of Tamil Pandit, has to be obediently followed till the disposal of the pending SLP, is inclined to direct the respondents to comply with the order of status quo granted by the Apex Court. While maintaining the status quo, the 3rd respondent shall continue to pay the salary since the petitioner has been working. The arrears of salary shall be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order.



For the reasons mentioned above, the impugned order is set aside and the writ petition is allowed. No costs. It is made clear that this order is subject to the result of the pending SLP. Consequently, M.P(MD) Nos.1 to 3 of 2014 are closed.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

1)The Secretary,
Department of School Education,
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St.George Fort, Chennai.

2)The Director,
Department of School Education,
DPI Compound, Chennai.

3)The District Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

+1CC to M/S.T.Palanisamy, Advocate, SR.No. 32661

W.P (MD) No.8368 of 2014
23.06.2016

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