



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

WEB COPY

W.A. (MD) No. 1024 of 2013 and M.P (MD) Nos. 2 of 2013 and 1 of 2014

W.A (MD) No. 1030 of 2013 and M.P (MD) No. 2 of 2013

and

W.P (MD) No. 13075 of 2013 and M.P (MD) No. 1 of 2013

W.A. (MD) No. 1024 of 2013:

1. The Director of School Education,
DPI Compound, College Road,
Chennai.

2. The District Educational Officer,
Tirunelveli Education District,
Tirunelveli.

... Appellants/
Respondents

Vs.

1. G. Esthershyla

... 1st Respondent/
Writ Petitioner

2. The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli.

... 2nd Respondent/
3rd Respondent

PRAYER: Appeal filed under Clause 15 of the Letters Patent, against the order passed in M.P (MD) No. 1 of 2013 in W.P (MD) No. 11980 of 2013, dated 25.07.2013.

Prayer in MP (MD) No. 1.2013 in WP (MD) No. 11980/2013:-

To pass an order of Ad Interim Direction, directing the 2nd respondent to provisionally approve the appointment proposal of the petitioners to the post of Tamil pandit at Schaffter Higher Secondary School, Tirunelveli, Tirunelveli district without insisting the TET qualification.

Prayer in WP (MD) No. 11980/2013:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned rejection order by the 2nd respondent O.Mu.NO. 6321/a2/2012 dated 24/01/2013 quash the same and consequently direct the respondent to approve the petitioners appointment as Tamil pandit at Schaffter higher Secondary School, Tirunelveli, Tirunelveli district and give all other service and monetary benefit.

For Appellants

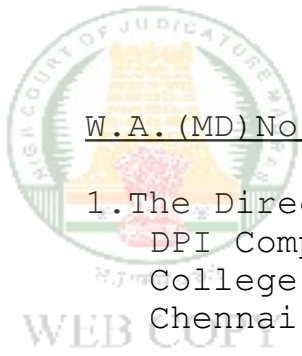
: Mr. A.K. Baskarapandian

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader

For Respondents

: Mr. T. Palanisamy for R.1
Mr. S. Chellapandian for R.2



W.A. (MD) No.1030 of 2013:

1. The Director of School Education,
DPI Compound,
College Road,
Chennai.

2. The District Educational Officer,
Tirunelveli Education District,
Tirunelveli.

... Appellants/
Respondents

Vs.

1. STP. Florence Rebekah

... 1st Respondent/
Writ Petitioner

2. The Correspondent,
Mary Sargent Higher Secondary School,
Palayamkottai,
Tirunelveli.

... 2nd Respondent/
3rd Respondent

PRAYER: Appeal filed under Clause 15 of the Letters Patent, against the order passed in M.P(MD)No.1 of 2013 in W.P(MD)No.13075 of 2013, dated 16.08.2013.

Prayer in MP(MD)NO.1/2013 in WP(MD)No.13075/2013:-

To pass an order of Ad interim Direction, directing the 2nd respondent to provisionally approve the appointment proposal of the petitioners to the post of BT Assistant (Tamil Pandit) at Mary Sargent Higher Secondary School, Palayamkottai, Tirunelveli District without insisting the TET qualification and pass further or other orders as this Honble Court.

Prayer in WP(MD)No.13075/2013:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned rejection order by the 2nd responded Na.Ka.No.4060/A5/13 dated 31.07.2013 quash the same and consequently direct the respondent to approve the petitioners appointment as BT assistant (Tamil Pandit) at Mary Sargent Higher Secondary School, Palayamkottai, Tirunelveli District and give all other service and monetary benefit from 18.07.2012 and pass such any other order as this Honble Court.

For Appellants

: Mr.A.K.Baskarapandian
Special Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.T.Palanisamy for R.1
Mr.S.Chellapandian for R.2



W.P(MD)No.13075 of 2013:

STP.Florrence Rebekah

... Petitioner

Vs.

- 1.The Director of School Education,
DPI Compound,
College Road,
Chennai.
- 2.The District Educational Officer,
Tirunelveli Education District,
Tirunelveli.
- 3.The Correspondent,
Mary Sargent Higher Secondary School,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pursuant to the impugned rejection order passed by the second respondent in Na.Ka.No.4060/A5/13, dated 31.07.2013, and quash the same and consequently, direct the respondent(s) to approve the petitioner's appointment as BT Assistant (Tamil Pandit) at Mary Sargent Higher Secondary School, Palayamkottai, Tirunelveli District and give all other service and monetary benefits from 18.07.2012.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.A.K.Baskarapandian

Special Government Pleader for R.1 and R.2

COMMON JUDGMENT

(Judgment of the Court was delivered by M.SATHYANARAYANAN,J.)

W.A.(MD)Nos.1024 and 1030 of 2013 are preferred against the interim orders and by consent, the main writ petition in W.P(MD) No.13075 of 2013 is taken up for final disposal along with the above writ appeals.

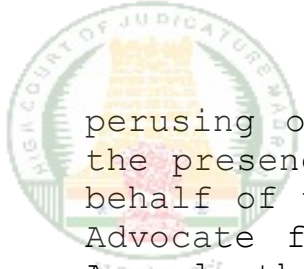
2. The learned Counsel for the first respondent in the writ appeal/petitioner in the writ petition would contend that the respective first respondent(s)/petitioner in the writ petition had left the services of the concerned minority school and as such, nothing survives for adjudication in these matters.

3. Therefore, both the writ appeals are dismissed as infructuous and as a consequence, W.P(MD)No.13075 of 2013 is also dismissed. No costs. Consequently, all the connected miscellaneous petitions are dismissed.

Sd/-

24/11/2016

This matter having been Listed under the Caption "for being mentioned" Tuesday the Twenty Ninth day of November 2016 , upon



perusing of this Court dated 24.11.2016, and made herein and in the presence Mr.A.K.Baskara Pandian, Special Government Pleader on behalf of the appellants in Writ Appeals and of Mr.T.Palanisamy, Advocate for R1 and Mr.S.Chellapandian, Advocate for R2 in Writ Appeals the Court made the following Order :

Today, these matters are listed under the caption 'for being mentioned' at the instance of the Registry, pointing out that this Court, vide common judgment dated 24.11.2016 has disposed of the above batch of writ appeals along with the main writ petitions and however, out of the above batch of cases, the main writ petition in **W.P(MD)No.11980 of 2013** [W.A.(MD)No.1024 of 2013], except W.P (MD)No.13075 of 2013 [W.A.(MD)No.1030 of 2013], has already been transferred to the Principal Seat and therefore, the said writ petition could not be taken up for disposal along with the above batch of writ appeals.

2. In the light of the same, the earlier common judgment dated 24.11.2016, is clarified to the effect that W.A.(MD)Nos.1024 and 1030 of 2013 and W.P(MD)No.13075 of 2013, **alone** are dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

Copy to:-

THE REGISTRAR (JUDICIAL)

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

To

1.The Director of School Education,

DPI Compound, College Road, Chennai.

2.The District Educational Officer,

Tirunelveli Education District, Tirunelveli.

rsb

RL/4C/4P/SKS/RR/15.12.2016

W.A.(MD)No.1024 of 2013
and M.P(MD)Nos.2 of 2013 and 1 of 2014

W.A(MD)No.1030 of 2013
and M.P(MD)No.2 of 2013

and

W.P(MD)No.13075 of 2013
and M.P(MD)No.1 of 2013
24.11.2016