



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD)No.1406 of 2014
& M.P.(MD)Nos.1 of 2014 and 1 of 2015

1. The State of Tamil Nadu,
Rep. By its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai - 9.
2. The Director of School Education,
O/o. Director of School Education,
College Road, Chennai - 6.
3. The Chief Educational Officer,
District Educational Office,
Virudhunagar District.
4. The District Educational Officer,
District Educational Office,
Virudhunagar District.

... Appellants/
Respondents 1 to 4

Vs.

1. K.Jayasanthi
2. The Correspondent,
S.C.M.S. Girls Higher Secondary School,
Virudhunagar District - 626 124.

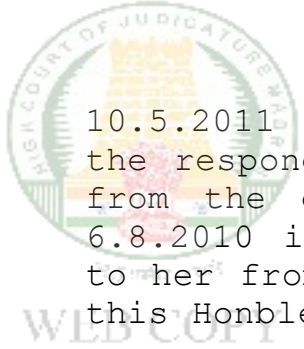
... Respondent/
Writ Petitioner

... 2nd Respondent/
5th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 11.06.2014, made in W.P.(MD)No.907 of 2014.

Prayer in WP(MD) .No. 907/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari/Mandamus to call for the records pertaining to the impugned order of the 4th respondent in O.Mu.NO.1272/A4/2011 dated



10.5.2011 and quash the same as illegal and consequently direct the respondents no.3 and 4 to approve the petitioners appointment from the date of her appointment on 4.8.2010 with effect from 6.8.2010 instead of 1.12.2010 and pay all the benefits available to her from the said date and pass such further or other order as this Honble Court deem fit.

For Appellants : Mr.V.Muruganantham
Additional Government Pleader
For R1 : Ms.Porkodi Karnan
for M/s.Polax Legal Solution
For R2 : No Appearance

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the appellants and Ms.Porkodi Karnan, learned counsel appearing for M/s.Polax Legal Solution for the first respondent/writ petitioner.

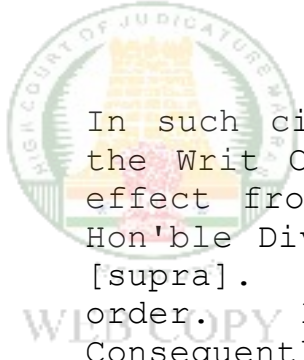
2.This Writ Appeal by the State and three others is directed against order, dated 11.06.2014, made in W.P.(MD)No.907 of 2014.

3.The first respondent/writ petitioner filed the abovesaid Writ Petition challenging the order passed by the fourth appellant herein, dated 10.05.2011 and to direct the appellants 3 and 4 to approve the first respondent's appointment with effect from 06.08.2010 instead of 01.12.2010 and to pay all the benefits.

4.The problem arose on account of the fact that the first respondent/writ petitioner was appointed as B.T. Assistant in Science in a vacancy, which was caused on account of retirement of previous teacher, who was working as B.T. Assistant [History]. Since the Management did not seek for conversion of the post and the conversion was subsequently, approved by Department on 01.12.2010, the appellants granted approval of the appointment of the first respondent with effect from the said date. The first respondent sought for approval of her appointment with effect from 06.08.2010, the date on which, she joined duty. Since the same was negatived, the first respondent was before the Writ Court.

5.The Writ Court taking into consideration the factual situation, the approval granted for conversion on 01.12.2010 and the decision of the Hon'ble Division Bench of this Court in C.Wilson Sundar Raj Vs. Director of School Education reported in 2012 (3) MLJ 678, allowed the Writ Petition.

<https://hcservices.courtservice.in/faces/>
6.The fact that there was a need for B.T. Assistant [Science] has not been disputed by the Department and this is evident from the fact that conversion was approved with effect from 01.12.2010.



In such circumstances, there is no error in the order passed by the Writ Court in directing the approval of the appointment with effect from 06.08.2010 after taking note of the decision of the Hon'ble Division Bench of this Court in C.Wilson Sundar Raj's case [supra]. Thus, we find no grounds to interfere with the impugned order. Hence, this Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 9.
2. The Director of School Education,
O/o. The Director of School Education,
College Road, Chennai - 6.
3. The Chief Educational Officer,
District Educational Office,
Virudhunagar District.
4. The District Educational Officer,
District Educational Office,
Virudhunagar District.

+1cc to M/S. POLAXLEGAL SOLUTIONS, SR.No.54193

+1cc to Special Government Pleader, SR.No.54737

JUDGMENT MADE IN
W.A. (MD) No.1406 of 2014
26.04.2017

SDS/JC/SAR 3/11.05.2017/3P/7C