



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

CORAM:

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

W.A. (MD) .No.139 of 2017 &
C.M.P. (MD) .No.1479 of 2017

- 1.The Director of Elementary Education,
Chennai-6.
- 2.The District Elementary Educational Officer,
Tuticorin District.
- 3.The Assistant Elementary Educational Officer,
Aalvarthirunagri,
Tuticorin District. ...Appellants/Respondents

Vs.

St.Lucia's Primary School,
Run by its Correspondent,
Kurumbur 628 207,
Tuticorin District.

... Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clauses 15 of Letters Patent to set aside the order, dated 04.11.2016 in W.P.(MD).No.14897 of 2012.

PRAYER IN WP(MD)No.14897/2012:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the order passed by the 2nd Respondent in his Proceedings in Na.Ka.No.6573/A4/2001 dated 23.12.2011 in so far as the petitioner school is concerned and the consequential order passed by the 3rd respondent in his proceedings in Na.Ka.No.491/A1/11 dated 04.05.12 and quash the same and direct the respondents to approve the appointment of Mrs.C.Nasren Rubha, Secondary Grade Teacher and confer all the consequential benefits.

For Appellants	: Mr.V.R.Shanmuganathan Special Government Pleader
For Respondent	: Mr.C.Vakeeswaran

**JUDGMENT**

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

Heard Mr.V.R.Shanmuganathan, learned counsel for the appellants and Mr.C.Vakeeswaran, learned counsel for the respondent.

2. This appeal is preferred by the Director of Elementary Education, Chennai and 2 others against the order in W.P.(MD). No.14897 of 2012, dated 04.11.2016. The said writ petition was filed by the management challenging the order passed by the second appellant dated 23.12.2011 and consequential order passed by the third appellant, dated 04.05.2012 and to direct the appellants to approve the appointment of Mrs.C.Nasren Rubha, Secondary Grade Teacher.

3. The Writ Court after hearing the parties and considering the materials placed before it and taking note of the factual position and the sanctioned strength of the school, observed that there is no material produced before the Court to show that the appointment of the said teacher was considered surplus by the authorities. Further, it was observed that in the event of the said teacher is continuing in the post, the approval of the teacher deserves to be considered. With these observations, the Writ Court directed the appellants to pass orders on the proposals given by the management, in the light of the orders passed in W.P. (MD).No.384 of 2006, dated 04.07.2011.

4. In our considered view, the appellants have not made out any case for interference with the order. The Writ Court after taking into consideration the factual aspects has issued certain directions. Therefore, it is for the appellants to comply with the said directions. There is no ground made to interfere with the order passed by the Writ Court. The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
Chennai-6.
- 2.The District Elementary Educational Officer,
Tuticorin District.
- 3.The Assistant Elementary Educational Officer,
Tuticorin District.



+1cc to Mr.C.Vakeeswaran, Advocate, SR.50068

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 50302

WEB COPY

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kk/SKN RSK/18.04.2017/3P-6C

JUDGMENT MADE IN
W.A.(MD).No.139 of 2017 &
C.M.P.(MD).No.1479 of 2017
04.04.2017