



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2017

CORAM:

WEB COPY

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

W.A. (MD) No.422 of 2017
and
C.M.P. (MD) No.3914 of 2017

- 1.The State of Tamil Nadu
Represented by its Secretary
Department of School Education
Fort St.George, Chennai - 600 009
 - 2.The Director of Elementary Education
College Road, Chennai - 600 006
 - 3.The District Elementary Educational Officer
Tuticorin, Tuticorin District
 - 4.The Additional Assistant Elementary
Educational Officer
Tiruchendur, Tuticorin District
- ... Appellants/
Respondents 1 to 4

-vs-

- 1.J.Sahaya Geetha
BT Assistant (Maths)
St.Antony R.C.Middle School
Puthukinathuvilai
Pitchuvilai Post
Tiruchendur Taluk
Tuticorin District
 - 2.The Correspondent
St.Antony R.C.Middle School
Puthukinathuvilai
Pitchuvilai Post
Tiruchendur Taluk
Tuticorin District
- ... Respondents/Petitioner/
5th Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 04.01.2017, made in W.P.(MD) No.24129 of 2016.

Prayer in WP(MD). 24129/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent herein vide Na.Ka.No.1272/Aa1/2016 dated 19.09.2016, quash the same and further Direct the respondents herein to approve the appointment of petitioner as BT Assistant Maths in the 5th respondent-school w.e.f., 01.06.2016 and disburse grant-in-aid towards salary and other attendant benefits.

For Appellants : Mr.V.Muruganantham
Addl. Govt. Pleader

For Respondents : Mr.A.Ajith Geethan

J U D G M E N T

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

Heard Mr.V.Muruganantham, learned Additional Government Pleader, appearing for the appellants and Mr.A.Ajith Geethan, learned counsel appearing for the respondents.

2. This writ appeal is directed against the order, dated 04.01.2017, made in W.P.(MD) No.24129 of 2016. The first respondent filed the said writ petition challenging the proceedings of the fourth appellant, dated 19.09.2016, and to direct the appellants to approve her appointment as BT Assistant (Mathematics) in St.Antony's R.C.Middle School, Puthukinathavilai, with effect from 01.06.2016, and to disburse grant-in-aid towards salary and other attendant benefits.

3. Before the Writ Court, the learned counsel for the respondent / writ petitioner placed reliance on the judgement of the Division Bench in **The Director of Elementary Education, Chennai and two others v. B.Infanse and another**, in **W.A.(MD) No.639 of 2014, dated 17.06.2015**. The said decision was subsequently followed by the Division Bench in the case of **State of Tamil Nadu and others v. The Correspondent, R.C. Middle School, Saveriarpuram**, in **W.A. (MD) No.688 of 2015, dated 07.07.2015**. Both the above mentioned judgments have been rendered following the decision of the Honourable Full Bench in the case of **Director of Elementary Education v. S.Vigila**, reported in **2006 (5) CTC 385**.

4. In the light of fact that the learned Single Judge followed the Division Bench Judgment, which has been implemented by the respective Department, we see no ground to take a different view in this appeal. Accordingly, following the earlier judgment



passed by the Division Bench, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/True copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
4. The Additional Assistant Elementary
Educational Officer
Tiruchendur, Tuticorin District.

+1 cc to Mr. A. Ajith Geethan, Advocate in SR.No. 62325

+1 cc to Special Government Pleader in SR.No. 62717

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AE/JC/SAR1/10.07.2017/3P/7C

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