



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.12.2017
CORAM :

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

WEB COPY

W.P (MD) No.22091 of 2016
and W.M.P. (MD) Nos.15813 and 15814 of 2016

R.Padma Sheela Rani

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. 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,
R.M.S. Road, Madurai.
- 4.The Assistant Elementary Educational Officer,
Usilampatti Region,
Usilampatti - 625 532.
- 5.The Administrator,
The Tamil Evangelical Lutheran Church (TELC),
P.B.No.86,
Tranquebar House, Trichy - 620 001.
- 6.The Advocate Administrator,
TELC Middle School,
Peraiyur Road, Usilampatti,
Madurai District - 625 532.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent Assistant Elementary Educational Officer vide Na.Ka.No.724/A1/2016 dated 13.10.2016, quash the same and further direct the 3rd respondent District Elementary Educational Officer to approve the appointment of the petitioner as Headmistress in TELC Middle School, Usilampatti, Madurai District w.e.f., 31.08.2016, and disburse grant-in-aid towards her salary and all other monetary benefits.

For Petitioner	: Mr.S.Xavier Rajini
For Respondents 1 to 4	: Mr.A.K.Baskara Pandian Special Government Pleader
For Respondents 5 & 6	: Mr.P.Tharmaraj Santhosam

ORDER

The petitioner was promoted as headmistress of TELC Middle School, Usilampatti, Madurai District by order dated 19.08.2016, issued by the sixth respondent, viz., Judge Administrator appointed by the Division Bench of this Court at the Principal Seat at Madras by order dated 29.04.2016 in L.P.A.No.3 & 5 of 2015. The proposal of her appointment was sent on 30.09.2016 by the sixth respondent to the third respondent by letter dated 13.10.2016. However, the fourth respondent by letter dated 13.10.2016 had raised a doubt as to whether the sixth respondent could send such proposal for approval of the appointment of the petitioner as Headmistress in that school as it had been brought under direct payment system from 18.08.2016 onwards. Aggrieved thereby, the petitioner has filed this Writ Petition challenging the said order of the fourth respondent and has sought for consequential orders to the third respondent to approve her appointment as Headmistress of that school.

2.Heard Mr.S.Xavier Rajini, the learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, the learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.P.Tharmaraj Santhosam, the learned counsel appearing for the respondents 5 and 6.

3.The learned counsel appearing for the petitioner relying on the letter dated 18.10.20016 sent by the sixth respondent to the second respondent, contends that it had been pointed out that direct payment is only in respect of salary and that the 5th and 6th respondents continues to be the appointing authorities of teachers, including Headmistress. The learned counsel appearing the fifth and sixth respondents states a copy of that clarification letter would be handed over to the respondents 3 and 4 also before 31.12.2017.

5.In view of the aforesaid submissions made by the learned counsel for the respective parties, which is hereby recorded, the respondents 3 and 4 shall pass appropriate orders on the proposal for appointment of the petitioner as headmistress of the school of the fifth and sixth respondents in accordance with law and communicate the decision taken to the petitioner and respondents 5 and 6 and file a report of such compliance before the Registrar (Judicial), Madurai Bench of Madras High Court, Madurai on or before 31.01.2018. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1.The Secretary,
Department of School Education,
State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Elementary Educational Officer,
R.M.S. Road, Madurai.

4.The Assistant Elementary Educational Officer,
Usilampatti Region,
Usilampatti - 625 532.

+ 1 cc TO Mr.S.Xavier Rajini , Advocate in SR No. 91744

+ 1 cc TO Mr.P.TharmarajSanthosam , Advocate in SR No. 91989

sj

AE/SV MMS/SAR1/18.12.2017/3P/7C

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