



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.4818 of 2011 and
M.P(MD).No.1 of 2011

Hameem Middle School,
represented by its Manager and
Correspondent,
Hajima Ka.Nafiza Beevi,
Door .No.135, Athiyadi East Street,
Melapalayam Post,
Thirunelveli District.

Petitioner

vs.

1.The Director of Elementary Education,
College, Road, Chennai - 6

2.The District Elementary Educational Officer,
Thirunelveli -1

3.The Assistant Elementary Educational Officer,
Palayamkottai (Urban),
Thirunelveli District.

Respondents

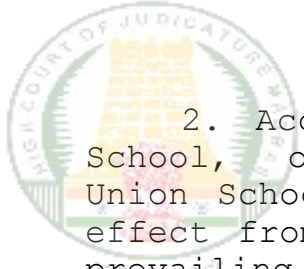
PRAYER:- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the order passed by the 2nd respondent in O.Mu.No.3763/2/2010, dated 02.07.2010 and quash the same and direct the 2nd and 3rd respondents to approve the appointment of Tmt. Jailani in the sanctioned post of Secondary grade teacher in the petitioner school in accordance with the proposal submitted by the petitioner school on 22.07.2009 and 03.05.2010.

For Petitioner : Mr.N. Dilip Kumar

For R - 1 to R-3 : Mr. V. Muruganantham
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records of the order passed by the 2nd respondent in O.Mu.No.3763/2/2010, dated 02.07.2010 and quash the same.



2. According to the petitioner's School viz., Hameem Middle School, one Tmt. M.Kanniyammal was transferred to Magudan Savadi Union School and therefore, she was relieved from the school with effect from 20.07.2009 and in the said vacancy in accordance with prevailing rules and regulations, they have selected and appointed one Tmt.M. Jailani as Secondary Grade Teacher on 22.07.2009. The said M.Jailani was also joined in the said post and is working as such till date. The petitioner's school has submitted an application to the 2nd respondent through the 3rd respondent on 22.07.2009 for approval of the appointment of Tmt. Jailani and the same was rejected by the second respondent on the ground that the W.P(MD). No.13262 of 2009 is pending. Against which the petitioner filed W.P (MD).No.4841 of 2010 and the same was allowed and this Court by order dated 20.04.2010, directed the 2nd respondent to consider the proposal submitted by the petitioner's school on merits and the same has also been rejected by the second respondent on the very same ground. It is also stated in the rejection order that the period of management is over as on 22.05.2009 and hence, the appointment having been made on 20.07.2009 cannot be considered.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

3. Today when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 and 2 has produced the proceedings dated 27.11.2017 issued by the District Elementary Educational Officer, wherein it is found that one Tmt. Kanniyammal, who worked as a Teacher in the petitioner's Middle School was relieved from her job and in that place one Tmt. M. Jailani was appointed as Secondary Grade teacher on 22.07.2009. It is to be noted that with regard to the ownership of the management of the school and that a partition suit was pending. In the meanwhile, the District Elementary Educational Officer, Thirunelveli appointed Tmt. M.Jailani as Secondary Grade Teacher on 22.07.2009 and she filed a Writ Petition in W.P(MD).No.15450 of 2013, for approval of her appointment and the said Writ Petition was allowed and that the impugned order was set aside and consequently, the respondent No.1 was directed to approve the appointment of the Tmt. M. Jailani, within a period of eight weeks from the date of receipt of a copy of the said order. However, such approval of appointment of the Tmt.M. Jailani is subject to the result of the pending Civil Suit. It was made clear in the said order that the petitioner cannot claim any equity, as the approval to be granted is subject to the result of the pending Civil suit.

4. In the meanwhile, the Department got an opinion from the learned Government Pleader in order to avoid contempt proceedings and the order has also been issued on 27.11.2017, wherein the Teacher Tmt. M. Jailani was appointed as a Secondary Grade Teacher in the year 2009-2010 and the same was surrendered to the general allotment. But, now, as per the orders issued, the same has been



re-allotted to the petitioner's school and the Teacher Tmt.M.Jailani was appointed as a Secondary Grade Teacher with effect from 22.07.2009 and other conditions have also been enumerated therein.

5. In view of the above said proceedings passed by the second respondent in Na.Ka.No.2345/ 2 /2013, dated 27.11.2017, the Writ Petition is disposed of as infructuous. 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,
College, Road, Chennai - 6

2.The District Elementary Educational Officer,
Thirunelveli -1

3.The Assistant Elementary Educational Officer,
Palayamkottai (Urban),
Thirunelveli District.

+1cc to Special Government Pleader, SR.No. 91938

W.P(MD)No.4818 of 2011 and
M.P(MD).No.1 of 2011
08.12.2017

trp

JM/SV MMS/SAR 1/26.02.2018/3P/5C