

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.4095, 4096, 4197 and 4301 to 4304 of 2018

Jothi High School,
Rep. By its Secretary Mr.D.Sekar,
Gudiyattam,
Vellore District.

.. Petitioner in W.P.No.4095, 4096/2018

VALLALAR HIGHER SECONDARY SCHOOL
REP. BY ITS SECRETARY MR.M.RAMALINGAM
GUDIYATTAM-632 602
VELLORE DISTRICT.

..Petitioner in W.P. 4197/2018.

NATIONAL HIGHER SECONDARY SCHOOL
REP BY ITS SECRETARY M.A.SIVKUMARAN
GUDIYATTAM VELLORE DISTRICT

..Petitioner in W.P.4301/2018;
4302/2018, 4303/2018 & 4304/2018.

Vs

1. The State of Tamil Nadu,
Rep. By its Secretary to Govt.,
Education Department, Chennai - 9.
2. The Director of School Education,
DPI Buildings, College Road,
Chennai - 6.
3. The Chief Educational Officer,
Vellore District.
4. The District Educational Officer,
Tirupattur, Vellore District.

.. Respondents in all Writ Petitions

Prayer in W.P.No.4095/18: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the entire records connected with the impugned proceeding of the fourth respondent vide O.Mu.No.6972/A4//2017, dated Nil.12.2017, signed on 22.12.2017 and quash the same and consequently direct the respondents to approve the appointment of Thiru.A.G.Dilipkumar as Junior

Assistant in the petitioner school w.e.f. 01.12.2017 with all consequential monetary benefits in the light of the order passed in Deva Asir V. Secretary to Government Education Department, reported in 2016 (3) LLJ 49.

Prayer in W.P.4096/2018: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the entire records connected with the impugned proceeding of the fourth respondent vide O.Mu.No.6972/A4//2017, dated Nil.12.2017, signed on 22.12.2017 and quash the same and consequently direct the respondents to approve the appointment of Thiru.A.G.Dilipkumar as Junior Assistant in the petitioner school w.e.f. 01.12.2017 with all consequential monetary benefits in the light of the order passed in Deva Asir V. Secretary to Government Education Department, reported in 2016 (3) LLJ 49.

Prayer in W.P.4197/18 :

Call for the entire records connected with the impugned proceeding of the 3rd respondent vide O.Mu.No.485/A4/2018, dated Nil.01.2018, signed on 01.02.2018, and quash the same and consequently direct the respondents to approve the appointment of Thiru.R.Aranganathan as Junior Assistant in the petitioner school w.e.f. 22.01.2018, with all consequential monetary benefits, in the light of the order passed in Deva Asir V. Secretary to Government Education Department, reported in 2016 (3) LLJ 49

Prayer in W.P.4301/18 :

call for the entire records connected with the impugned proceeding of the 3rd respondent vide O.Mu. No.419/A4/2018, dated Nil. 01.2018, signed on 30.01.2018, and quash the same and consequently direct the respondents to approve the appointment of Thiru. K.Vigneshkumar as Junior Assistant in the petitioner school w.e.f. 19.01.2018, with all consequential monetary benefits, in the light of the order passed in Deva Asir V.Secretary to Government Education Department, reported in 2016 (3) LLJ 49

Prayer in W.P.4302/18 :

call for the entire records connected with the impugned proceeding of the 3rd respondent vide O.Mu. No.418/A4/2018, dated Nil. 01.2018, signed on 30.01.2018, and quash the same and consequently direct the respondents to approve the appointment of Thiru. V.Vijayakumar as Record Clerk in the petitioner school w.e.f. 19.01.2018, with all consequential monetary benefits, in the light of the order passed in Deva Asir V.Secretary to Government Education Department, reported in 2016 (3) LLJ 49

Prayer in W.P.4303/18 :

call for the entire records connected with the impugned proceeding of the 3rd respondent vide O.Mu. No.420/A4/2018, dated Nil. 01.2018, signed on 30.01.2018, and quash the same and consequently direct the respondents to approve the appointment of Thiru. S.Ganesh, as Office Assistant in the petitioner school w.e.f. 19.01.2018, with all consequential monetary benefits, in the light of the order passed in Deva Asir V.Secretary to Government Education Department, reported in 2016 (3) LLJ 49

Prayer in W.P.4304/18 :

call for the entire records connected with the impugned proceeding of the 3rd respondent vide O.Mu. No.421/A4/2018, dated Nil. 01.2018, signed on 30.01.2018, and quash the same and consequently direct the respondents to approve the appointment of Thiru. M.Gopinath, as Night Watchman in the petitioner school w.e.f. 19.01.2018, with all consequential monetary benefits, in the light of the order passed in Deva Asir V.Secretary to Government Education Department, reported in 2016 (3) LLJ 49.

For petitioners : Mr.S.N.Ravichandran
For respondents : Mrs.P.Rajalakshmi, AGP

COMMON ORDER

Pursuant to the orders dated 26.02.2018 and 27.02.2018 passed by this Court directing the District Educational Office (DEO), Tirupattur, to file an affidavit as to why exemplary costs of Rs.25,000/- should not be imposed on him towards the litigation expenses, Mr.N.Sambasivam, District Educational Officer, Tirupattur, Vellore District, appeared today and he has pleaded ignorance of the settled legal position with regard to quashing of G.O.Ms.No.115, School Education Department, dated 30.05.2017, by this Court in a reported judgment in Deva Asir Vs. Secretary to Government, School Education Department and others [2016-III-LLJ-49(Mad)].

2. Learned Additional Government Pleader appearing for the respondents submitted that pursuant to the orders dated 26.02.2018 and 27.02.2018 passed by this Court, the District Educational Officer, Tirupattur, has passed proceedings dated 02.03.2018 approving the appointment non-teaching staffs/petitioners herein. It is also further stated that the said DEO was previously working as Headmaster of the High School and since he has joined as DEO only in May, 2017, he was not aware of the judgment passed by this Court in Deva Asir's case (cited supra), therefore, she has requested this Court not to impose costs by giving an assurance that the said DEO will not commit any such mistake in future.

3. However, this Court, by considering the fact that the petitioners, who have been working as Non-teaching staffs of

the petitioners' School, have been compelled to approach this Court unnecessarily for the mistake committed by the said DEO, is inclined to impose costs Rs.5,000/- each on the said DEO, to be payable to the Mediation and Conciliation Centre, attached to this Court, within a period of one week from the date of receipt of a copy of this order.

4. With the above directions, the writ petitions are disposed of, by recording the proceedings dated 02.03.2018 of the DEO, Tiruppattur. No Costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Govt.,
Education Department, Chennai - 9.

2. The Director of School Education,
DPI Buildings, College Road,
Chennai - 6.

3. The Chief Educational Officer,
Vellore District.

4. The District Educational Officer,
Tirupattur, Vellore District.

5. The Secretary
Mediation and Conciliation Center
High Court, Madras.

+1 CC to Mr.S.N. Ravichandran, advocate sr 16818, 16820, 16819.

+1 CC to Govt. Pleader sr 17120.

W.P.Nos. 4095, 4096, 4197 and
4301 to 4304 of 2018

KJ(CO)
SP(06/04/2018)