



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.07.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND**

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)Nos.144, 235 to 237 of 2018

and

C.M.P(MD)Nos.728, 1349, 1351 and 1352 of 2018

W.A(MD)No.144 of 2018:

- 1.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
- 2.The Assistant Elementary Educational Officer,
Keelapavoor, at Pavoorchatram, Tenkasi Tk,
Tirunelveli District.

... Appellants/Respondents

Vs.

- 1.M.Hepsi Stella Bai,
11/2, Ezhilagam, Anna Nagar,
Alankulam, Tirunelveli District.
- 2.The Correspondent,
T.D.T.A. Primary and Middle Schools,
Alankulam Pastorate, Alangulam,
Tirunelveli District.

... Respondents/petitioners

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 21.03.2012 made in W.P(MD)No.3004 of 2011 on the file of this Court.

Prayer in WP(MD). 3004/ 2011 :

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 pertaining to the order passed by the 1st respondent in his proceedings Oomu.No. 119/A1/2010 dated 29/03/2010 and quash the same, and direct the respondents to approve the appointment of the petitioner from the date of appointment i.e. 20/02/2009 and confer all the consequential benefits.

For Appellants	: Mr.A.K.Baskarapandian, Special Government Pleader
For R - 1	: Mr.V.Paneerselvam

W.A(MD)No.235 of 2018:

- 01.The District Elementary Educational Officer,
Tirunelveli.



02.The Assistant Elementary Educational Officer,
Radhapuram,
Tirunelveli District.

... Appellants /Respondents 1 and 2

WEB COPY

Vs.

01.T.Deva Sahaya Jerlin Rosetti

... 1st respondent/writ petitioner

02.The Correspondent,
St. Therasa's Primary School,
Kuthenkuly,
Tirunelveli District.

... 2nd Respondent /3rd respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 18.07.2017 in W.P(MD)No.5788 of 2014.

Prayer in WP(MD) . 5788/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner from the date of appointment i.e., 24.07.2009 and confer all the consequential benefits.

For Appellants	: Mr.A.K.Baskarapandian, Special Government Pleader
For R-1	: Mr.V.Paneerselvam

W.A(MD)No.236 of 2018:

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,
Tirunelveli,
Tirunelveli District.

4.The Additional Assistant Elementary
Educational Officer, Nanguneri,
Tirunelveli District.



Vs.

The Correspondent,
St.Aloysius Middle School,
Chinthamani Post,
Munanjipatti Via,
Tirunelveli District.

... Respondent / Petitioner / Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 27.06.2017 made in Review Application (MD) No.31 of 2017 in W.P(MD)No.17930 of 2016 on the file of this Court and allow this writ appeal.

Prayer in Rev.Apl 31/2017:

Review Application filed under order 47 Rules 1 and 2 read with section 114 of the CPC, against the order dated 23.02.2017 in WP(MD)17930/2016 on the file of this Hon'ble Court.

Prayer in WP(MD) . 17930/ 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 Additional Assistant Elementary Educational officer vide A.Thi.Mu.No. 820/A4/16 dated 22.06.2016, quash the same and further Direct the respondents herein to approve the appointment of S.Franklin Amala Jacks as Secondary Grade Teacher in the petitioner school w.e.f. 20.04.2016 and disburse grant - in - aid towards salary and other attendant benefits.

For Appellants	: Mr.A.K.Baskarapandian, Special Government Pleader
For Respondent	: Mr.A.Ajith Geethan

W.A(MD)No.237 of 2018:

- 01.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
02. The Director of Elementary Education,
College Road,
Chennai - 600 006.
- 03.The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.



04.The Additional Assitant Elementary,
Educational Officer, Nanguneri,
Tirunelveli District.

... Appellants /Respondents 1 to 4/

Respondents 1 to 4

WEB COPY

Vs.

01.A.Christy Nathiya

... 1st respondent/petitioner/petitioner

02.The Correspondent,
R.C.Primary School,
Barbarammalpuram,
Ramakrishnapuram Post,
Munanjipatti Via, Tirunelveli District.

...2nd Respondent /5th respondent/

5th respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 27.06.2017 made in Review Application (MD) No.32 of 2017 in W.P(MD)No.17931 of 2016 on the file of this Court and allow this writ appeal.

Prayer in Rev.Apl 32/2017:

Review Application filed under order 47 Rules 1 and 2 read with section 114 of the CPC, against the order dated 23.02.2017 in WP(MD)17931/2016 on the file of this Hon'ble Court.

Prayer in WP(MD). 17931/ 2016 :

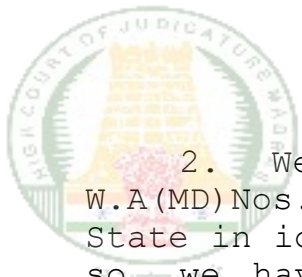
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent Additional Assistant Elementary Educational Officer vide A.Thi.Moo.No.1235/A4/2016 dated 29.07.2016, quash the same and further direct the respondents herein to approve the appointment of petitioner as Secondary Grade Teacher in the 5th respondent School w.e.f.06.06.2016 and disburse grant in aid towards salary and other attendant benefits.

For Appellants	: Mr.A.K.Baskarapandian, Special Government Pleader
For R-1	: Mr.A.Ajith Geethan

COMMON JUDGMENT

(Judgment of the Court was delivered by DR.ANITA SUMANTH,J.)

Heard Mr.Baskarapandian, learned Special Government Pleader for the appellants, Mr..Paneerselvam, learned counsel for R-1 in W.A(MD)Nos.144 and 235 of 2018 and Mr.Ajith Geethan, learned for the respondent in W.A(MD)No.236 of 2018 and for R-1 in W.A(MD)No.237 of 2018.



2. We have in our decision dated 03.07.2018 made in W.A(MD)Nos.524 to 528 of 2018, dismissed the appeals filed by the State in identical circumstances as in the present appeal. In doing so, we have followed the rationale of earlier decisions of this Court in W.A(MD)No.687 of 2015 dated 19.06.2015 and W.A(MD)No.798 of 2015 dated 22.07.2015.

3. In the light of the aforesaid, this writ appeals stand dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.
- 2.The Assistant Elementary Educational Officer,
Keelapavoor, at Pavoorchatram, Tenkasi Tk,
Tirunelveli District.
- 3.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 4.The Director of Elementary Education,
College Road,
Chennai - 600 006.
- 5.The Assistant Elementary Educational Officer,
Radhapuram,
Tirunelveli District.
- 6.The Additional Assistant Elementary
Educational Officer, Nanguneri,
Tirunelveli District.

+2CCs to Mr.V.Panneer Selvam, Advocate in SR.Nos.75610,75611.

+2CCs to Mr.A.Ajith Geethan, Advocate in SR.No. 75595.

+1CC to Special Government pleader in

Sr.Nos.75565,75567,75571,75572. (one copy)

PM

DS/SKN -RSK/SAR-1 :24.08.2018: 5P/12C

<https://hcservices.ecourts.gov.in/hcservices/>

W.A(MD)Nos.144, 235 to 237 of 2018

27.07.2018