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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)No.830 of 2018
and
C.M.P.(MD)No.4957 of 2018
in WP(MD)No.4295 Of 2018

Tamil Evangelical Lutheran Church (TELC),
represented by its Administrator,
Justice R.Venkataraman(Retd.,),
P.B.No.86,
Tranquebar House,
Trichy-620 001. ... Appellant/5th Respondent

Vs.

1.M.Uma ... 1st Respondent/Petitioner

2.The State represented by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

3.The Director of School Education,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Madurai District at Madurai.

5.The District Educational Officer,
Usilampatti, Madurai District.

6.The Correspondent/Advocate Administrator,
TELC Girls Higher Secondary School,
Usilampatti, Madurai District - 625 532.

... Respondents 2 to 6/Respondents 1 to 4 and 6

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent
against the order, dated 26.03.2018 made in W.P.(MD)No.4295 of 2018,
passed by this Court.

Prayer in WP(MD). 4295/ 2018 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Mandamus directing the 4th respondent District Education Officer to
approve the appointment of the petitioner as BT Assistant in Maths



w.e.f. 27.02.2017 in the 6th respondent school namely, TELC Girls Higher Secondary School, Usilampatti, Madurai District and disburse grant-in-aid towards her salary and other monetary benefits.

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For Appellant	: Mr.S.Karthikei Balan
For Respondents	: Mr.S.Xavier Rajini
	for R.1
	:Mr.A.K.Baskara Pandian
	Special Government Pleader
	for R.2 to R.5

JUDGMENT

(Judgment of the Court was delivered by M.DURAI SWAMY, J.)

Challenging the order passed in W.P.(MD)No.4295 of 2018, the Administrator, who is the fifth respondent in the writ petition, has filed the above Writ Appeal.

2. The first respondent/writ petitioner filed the writ petition to issue a Writ of Mandamus directing the fourth respondent District Educational Officer to approve the appointment of the petitioner as BT Assistant in Maths with effect from 27.02.2017 in the sixth respondent school namely, TELC Girls Higher Secondary School, Usilampatti, Madurai District and disburse grant-in-aid towards her salary and other monetary benefits.

3. When the matter was taken up for hearing before the learned Single Judge, a representation was made on behalf of the appellant - Administrator, seeking time to file counter affidavit and the documents, for the reason that he received some complaints with regard to the appointment in question and that he proposed to conduct verification exercise. However, the writ petition was allowed following the ratio laid down in W.A.No.652 of 2013, dated 31.07.2013. The learned Single Judge also directed the fourth respondent viz., the District Educational Officer to approve the appointment of the first respondent/writ petitioner as BT Assistant in Maths with effect from 27.02.2017 and disburse the salary and monetary benefits forthwith.

4. Admittedly, the first respondent/writ petitioner was appointed by the erstwhile Judge Administrator and her appointment was in respect of a sanctioned post. When the Judge Administrator, who is the appellant herein has submitted that some complaints have been received with regard to the appointment in question, an opportunity could have been given to him to file his counter affidavit and the supportive documents. If an opportunity is given to the Administrator to file his counter affidavit and the supportive documents, no prejudice would be caused to either of the parties. Therefore, we are of the considered view that an opportunity should be given to the appellant - Judge Administrator to file counter affidavit and the supportive documents in support of

his contentions made before the learned Single Judge.

5. In view of the view taken up by us, the impugned order passed in W.P.(MD)No.4295 of 2018 is liable to be set aside. Accordingly, the same is set aside. The matter is remitted back to the learned Single Judge as per roster for deciding the issue involved in the writ petition afresh after permitting the Judge Administrator to file his counter affidavit and the supportive documents.

6. With these observations, the Writ Appeal is allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
Madurai District at Madurai.
- 4.The District Educational Officer,
Usilampatti,
Madurai District.

+1CC to M/s.S.Karthikei Balan Advocate in SR.No.69829.

+1CC to Mr.S.Xavier Rajni Advocate in SR.No.69708.

+1CC to Special Government Pleader in SR.No.69769.

SSL

DS/SKN-RSK/SAR-4 :05.07.2018: 3P/8C

W.A(MD)No.830 of 2018
and

C.M.P. (MD)No.4957 of 2018
in WP (MD)No.4295 Of 2018
25.06.2018