



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Thirtieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.DURAIWAMY
and
The Hon`ble Dr.Justice ANITA SUMANTH

C.M.P(MD)Nos.7088 & 7089 of 2018 in W.A(MD)No.928 of 2018
and
C.M.P(MD)No.7090 of 2018 in W.A(MD)No.945 of 2018
and
C.M.P(MD)No.7091 of 2018 in W.A(MD)No.964 of 2018

C.M.P(MD)Nos.7088 & 7089 of 2018 in W.A(MD)No.928 of 2018:

1 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, CHENNAI.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD,
CHENNAI 600 006.

3 THE JOINT DIRECTOR OF SCHOOL EDUCATION
/PERSONNEL, DPI CAMPUS,
COLLEGE ROAD, CHENNAI 600 006.

... PETITIONERS/RESPONDENTS/
RESPONDENTS
IN BOTH THE PETITIONS

Vs

K.JESUDASPANDIAN

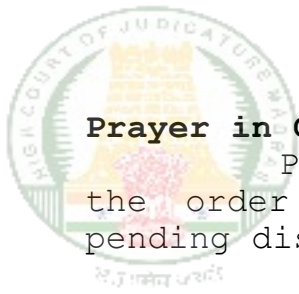
... RESPONDENT/PETITIONER/APPELLANT
IN BOTH THE PETITIONS

PRAYER IN CMP(MD)No.7088/2018

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim status quo order dated 11.07.2018 passed in C.M.P.(MD).NO.6062 of 2018 in W.A.(MD).928/2018 and thus render justice.

Prayer in CMP(MD).7089/2018 :

To vacate the interim status quo order dated 11.07.2018 passed in C.M.P.(MD).NO.6063 of 2018 in W.A.(MD).928/2018 and thus



Prayer in CMP(MD) .6062/2018 :

Pleaded to pass an order of interim stay of operation of the order passed in W.P(MD) No.16637 of 2017 dated 04.06.2018 pending disposal of the Writ Appeal and thus render justice.

Prayer in CMP(MD) . 6063/ 2018 :

Pleaded to pass an order of interim injunction restraining the Respondents from filling up the post of High School Headmasters by way of considering the P.G.Assistants pending disposal of the Writ Petition and thus render justice.

Prayer in WA(MD) .928/2018 :

To set aside the order passed in WP(MD)No.1663 of 2017 dated 04.06.2018 on the file of this Hon'ble court.

Prayer in WP(MD) .16637/2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarararified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 92931/C1-E1/15 dated 22-12-2015 and the consequential order in Na.Ka.No. 040397/W2/E2/2016 dated 21.07.2016 issued by the 2nd respondent and quash the same as illegal and consequently for a direction, directing the respondents to prepare panel for promotion to the post of Headmaster of High School, from and among the BT Assistants/ Tamil Pandit working in High Schools and confer all the consequential benefits.

C.M.P(MD)No.7090 of 2018 in W.A(MD)No.945 of 2018:

1 THE STATE OF TAMIL NADU,
REPRESENTED BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT,
ST.GEORGE FORT, CHENNAI.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI 600 006

3 THE JOINT DIRECTOR (HIGHER SECONDARY)
DPI CAMPUS, COLLEGE ROAD,
CHENNAI 600 006

... PETITIONERS/1 to 3 RESPONDENTS/
1 TO 3 RESPONDENTS

Vs

1 D.RAJAN
2 M.LINGESWARI
3 K.SIVABALA
4 A.MARIMUTHU
5 C.JEYARANI
6 C.PANNEER SELVAM
7 G.NATARAJAN
8 M.KRISHNAMOORTHY



9 M.PARAMASIVAM
10 N.MURUGESAN
11 A.MUNIAPPAN
12 K.DHIVYANATHAN
13 P.MUKILAN
14 V.MUTHUKUMARAN
15 R.JEYAKUMAR
16 A.RAMESH
17 S.AROCKIA RAJA
18 D.SRINIVASAN
19 G.KANNAN
20 S.BHARATHIRAJA
21 S.DHANABABUKUMAR
22 K.SANTHANAKUMAR
23 C.RAJENDRAN
24 V.RANGASAMY
25 B.REVATHI
26 R.RAMESH
27 T.TAMILSELVI
28 K.PALANISAMY
29 A.SAKTHIVEL
30 A.JOHN WILFARE PONRAJ
31 C.MUTHUKUMAR
32 K.KANNAN
33 R.PERUMALSAMY
34 T.THIRUMURUGANANTHAM
35 M.PALANICHAMY
36 P.KARNAN
37 P.KESAVAPANDIAN

... 2 TO 37 RESPONDENTS/

4 TO 39 RESPONDENTS/4 TO 39 RESPONDENTS

PRAYER IN CMP(MD)No.7090/2018

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim status quo order dated 13.07.2018 passed in CMP(MD)No.6287 of 2018 in W.A.(MD)No.945/2018.

Prayer in CMP(MD).6287/2018 :

Pleaded to grant an Ad-Interim stay of operation of proceedings of the 2nd respondent herein in Na.Ka.No.92931/C1/E1/2015 dated 21.12.2017 in so far as it includes the P.G.Assistants working in that cadre for a period of beyond 5 years and who has not worked for a period of one year as B.T Assistant pending disposal of the above Writ Appeal and thus render justice.

Prayer in WA(MD)945/2018 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to prefer the following Memorandum of Grounds of Writ Appeal against the order dated 4.6.2018 passed by this Honourable Court in WP(MD) 24218 of 2017 on the file of this Honourable Court

**PRAYER IN WP(MD) .No.24218 of 2017:**

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the second respondent herein in Na.Ka.No.92931/C1/E1/2015 dated 21.12.2017 and quash the same as illegal insofar as it includes the P.G.Assistants working in that cadre for a period of beyond 5 years and who have not related to B.T Assistant and served for a period of one year.

C.M.P(MD)No.7091 of 2018 in W.A(MD)No.964 of 2018

- 1 THE SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, CHENNAI
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI 600 006
- 3 THE JOINT DIRECTOR (HIGHER SECONDARY)
DPI CAMPUS, COLLEGE ROAD, CHENNAI 600 006
- 4 THE CHIEF EDUCATIONAL OFFICER, MADURAI
- 5 THE CHIEF EDUCATIONAL OFFICER,
SIVAGANGAI. ... PETITIONERS/RESPONDENTS/RESPONDENTS

Vs

- 1 V.M.VINAYAGAMOORTHY
- 2 V.VELMURUGAN
- 3 A.CHELLADURAI
- 4 S.JOHNRAJA ... RESPONDENTS/PETITIONERS/APPELLANTS

PRAYER IN C.M.P(MD)No.7091/2018:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim status quo order dated 18.07.2018 passed in C.M.P.(MD).6425 of 2018 in W.A.(MD).No.964/2018 and thus render justice.

Prayer in CMP(MD) .6425/2018 :

To stay all further proceedings pursuant to the Circular in Na.Ka.No.92931/C1-E1/2015 dated 21/12/2017 issued by the 2nd respondent pending disposal of the writ appeal and render justice.

PRAYER IN W.A. (MD) .No.964/2018:

<https://hcservices.ecourts.gov.in/hcservices/>
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Prefer the present writ appeal against the order passed by this



Hon'ble Court in W.P.(MD).No.2395 of 2018 dated 04.06.2018 for the following among other.

PRAYER IN WP(MD) . No.2395 of 2018:

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Circular in Na.Ka.No.92931/C1-E1/2015 dated 21.12.2017 issued by the second respondent, and quash the same, and direct the respondents to prepare panel for promotion to the post of Headmaster of High School, from and among the BT Assistants/Tamil Pandit working in High Schools and confer all the consequential benefits.

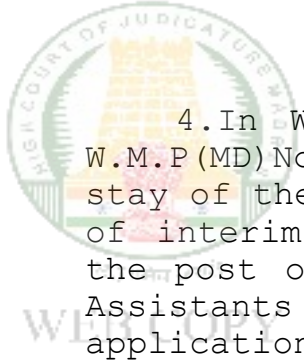
ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.S.T.S.Murthy, learned Additional Advocate General representing for Mr.C.Munusamy, learned Special Government Pleader appearing for the petitioners in all the petitions, Mr.T.Lajapathi Roy, learned counsel appearing for the respondent in C.M.P(MD)Nos.7088 & 7089 of 2018 in WA(MD)No.928/2018 and Mr.M.Ajmal Khan, learned Senior Counsel appearing for the 1st respondent, Mr.R.Saseetharan, learned counsel appearing for the respondents 8, 9, 14 & 18 to 27, Mr.M.Saravanan, learned counsel appearing for the sixth respondent and Mr.Isaac Mohanlal, learned Senior Counsel appearing for the seventeenth respondent in C.M.P(MD) No.7090 of 2018 IN WA(MD)No.945/2018 and Mr.V.Panneer Selvam, learned counsel appearing for the respondents in C.M.P(MD)No.7091 of 2018 in WA(MD)No.964/2018, the court made the following order:-

(Order of the Court was made by **M.DURAISWAMY, J.**)

Heard Mr.S.T.S.Murthy, learned Additional Advocate General representing for Mr.C.Munusamy, learned Special Government Pleader appearing for the petitioners, Mr.T.Lajapathi Roy, learned counsel appearing for the respondent in C.M.P(MD)Nos.7088 & 7089 of 2018 and Mr.M.Ajmal Khan, learned Senior Counsel appearing for the first respondent, Mr.R.Saseetharan, learned counsel appearing for the respondents 8, 9, 14 & 18 to 27, Mr.M.Saravanan, learned counsel appearing for the sixth respondent and Mr.Isaac Mohanlal, learned Senior Counsel appearing for the seventeenth respondent in C.M.P(MD) No.7090 of 2018 and Mr.V.Panneer Selvam, learned counsel appearing for the respondents in C.M.P(MD)No.7091 of 2018.

2.By order, dated 11.07.2018 this Court granted an order of status quo sofar as the promotions to the post of Headmasters is concerned.

3.There are six appellants before this Court, who had filed the appeals, challenging the orders passed in W.P(MD)Nos.16637 of 2017, 24218 of 2017 and 2395 of 2018 respectively, dated 04.06.2018.



4. In W.A(MD)No.928 of 2018, the appellant filed petitions in W.M.P(MD)Nos.6062 and 6063 of 2018, seeking for an order of interim stay of the order passed in W.P(MD)No.16637 of 2017 and for an order of interim injunction restraining the respondents from filling up the post of High School Headmasters by way of considering the P.G Assistants pending disposal of the Writ Appeal. In those two applications, this Court directed the respondents to maintain status quo. Thereafter, the respondents maintained status quo with regard to the filling up the post of High School Headmasters.

5. Following the said order, an order of status quo was also granted by this Court in W.A(MD)Nos.945 and 964 of 2018 on 13.07.2018 and 17.07.2018 respectively. Now the official respondents have filed the above petitions to vacate the orders of status quo.

6. Mr.S.T.S.Murthi, learned Additional Advocate General appearing for the official respondents in the Writ Appeals submitted that by the continuance of the order of status quo in the Writ Appeals, the official respondents are not in a position to fill up more than 1200 posts of Headmasters throughout the State of Tamil Nadu. The Additional Advocate General further submitted that since more than 1200 posts of Headmasters are lying vacant, ultimately, the students are put to hardship. The learned Additional Advocate General further submitted that out of six appellants, who had filed the Writ Appeals before this Court, two appellants, namely V.M.Vinayagamoorthy and V.Velmurugan, who are the appellants 1 and 2 in W.A(MD)No.964 of 2018, will also be get promoted, if the order of status quo is vacated. However, Mr.Ajmal Khan, learned Senior Counsel appearing for the appellant in W.A(MD)No.945 of 2018 and Mr.T.Lajapathi Roy, learned counsel appearing for the appellant in W.A(MD)No.928 of 2018 submitted that if the interim order of status quo is vacated, the appellants' right would be affected and they would put to prejudice.

7. Having regard to the submissions made by the learned counsel appearing on either side, since more than 1200 posts of Headmasters are lying vacant, which is definitely against the interest of the students, we are of the considered view that the interim order of status quo should be modified by protecting the interests of the appellants. In these circumstances, the interim order of status quo granted by this Court is modified by directing the official respondents to keep four posts of Headmasters vacant till the disposal of the Writ Appeals. So far as the remaining two posts are concerned, since the learned Additional Advocate General submitted that two of the appellants getting promoted as Headmasters, we are not giving any direction to the official respondents to keep the two posts vacant. In the event, the promotions, if any, to be made by the official respondents are subject to the result of the Writ Appeals. In the event of the appellants succeeding in the Writ Appeals, their interests should be protected in all aspects. We also make it clear that the respondents are at liberty to fill up all the vacancies except reserving four posts of Headmasters for the four



appellants.

8. With these observations, the above petitions are disposed of.

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sd/-
30/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT, SECRETARIAT, CHENNAI.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI 600 006.

3 THE JOINT DIRECTOR OF SCHOOL EDUCATION
/PERSONNEL, DPI CAMPUS,
COLLEGE ROAD, CHENNAI 600 006.

4 THE CHIEF EDUCATIONAL OFFICER, MADURAI

5 THE CHIEF EDUCATIONAL OFFICER, SIVAGANGAI.

+1. C.C. to M/S.ISAAC CHAMBERS, Advocate SR.No.14495
+1. C.C. to MR.R.SUBRAMANIAN, Advocate SR.No.14446
+1. C.C. to M/S.AJMAL ASSOCIATES, Advocate SR.No.14517
+1. C.C. to MR.R.ALAGUMARNI, Advocate SR.No.14445
+1. C.C. to MR.T.LAJAPATHI ROY, Advocate SR.No.14453
+1. C.C. to MR.V.PANNEER SELVAM, Advocate SR.No.14504
+1. C.C. to THE SPECIAL GOVERNMENT PLEADER IN SR.No.12885

ORDER IN
C.M.P(MD)Nos.7088 & 7089 of 2018
in W.A(MD)No.928 of 2018 and
C.M.P(MD)No.7090 of 2018
in W.A(MD)No.945 of 2018 and
C.M.P(MD)No.7091 of 2018
in W.A(MD)No.964 of 2018
Date :30/07/2018

PK/PN/SAR-4/03.08.2018 : 7P/13C