



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 19474 to 19478 of 2017
and

W.M.P (MD) Nos. 15775 to 15779 of 2017

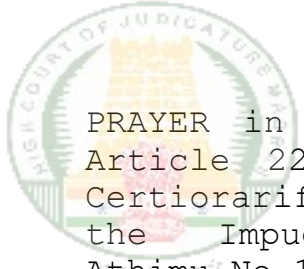
G.Kavitha	... Petitioner in W.P (MD) No. 19474 of 2017
C.Krishnaveni	... Petitioner in W.P (MD) No. 19475 of 2017
D.Hemalatha	... Petitioner in W.P (MD) No. 19476 of 2017
P.Shanmuga Sundari	... Petitioner in W.P (MD) No. 19477 of 2017
P.Ramalakshmi	... Petitioner in W.P (MD) No. 19478 of 2017

Vs.

1. The Chief Educational Officer,
District Collectorate Campus,
Virudhunagar.
2. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.
3. The Secretary,
Sri Rao Bahadur A.K.D Dharma Raja
Girls Higher Secondary School,
Rajapalayam - 626 117.

... Respondents in all Wps.

PRAYER in W.P (MD) No. 19474 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the Impugned Order passed by the 2nd respondent in Athimu.No.1108/A2/2017 dated 13.04.2017 and quash the same and directing the 2nd respondent to approve the appointment of the petitioner namely Kavitha as BT Teacher (Maths) in the 3rd respondent school namely Sri Rao Bahadur A.K.D.Dharmaraja Girls Higher Secondary School, Rajapalayam with effect from 15.04.2015 with all consequent attendant benefits with salary arrears etc., as per the proposal submitted by the 3rd respondent school dated 14.03.2017.



PRAYER in W.P(MD)No.19475 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the Impugned Order passed by the 2nd respondent in Athimu.No.1107/A2/2017 dated 13.04.2017 and quash the same and directing the 2nd respondent to approve the appointment of the petitioner namely Krishnaveni as BT Teacher (English) in the 3rd respondent school namely Sri Rao Bahadur A.K.D.Dharmaraja Girls Higher Secondary School, Rajapalayam with effect from 15.04.2015 with all consequent attendant benefits with salary arrears etc., as per the proposal submitted by the 3rd respondent school dated 14.03.2017.

PRAYER in W.P(MD)No.19476 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the Impugned Order passed by the 2nd respondent in Athimu.No.1109/A2/2017 dated 13.04.2017 and quash the same and directing the 2nd respondent to approve the appointment of the petitioner namely Hemalatha as BT Teacher (Science) in the 3rd respondent school namely Sri Rao Bahadur A.K.D.Dharmaraja Girls Higher Secondary School, Rajapalayam with effect from 15.04.2015 with all consequent attendant benefits with salary arrears etc., as per the proposal submitted by the 3rd respondent school dated 14.03.2017.

PRAYER in W.P(MD)No.19477 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the Impugned Order passed by the 2nd respondent in Athimu.No.1112/A2/2017 dated 13.04.2017 and quash the same and directing the 2nd respondent to approve the appointment of the petitioner namely Shanmugasundari as BT Teacher (History) in the 3rd respondent school namely Sri Rao Bahadur A.K.D.Dharmaraja Girls Higher Secondary School, Rajapalayam with effect from 15.04.2015 with all consequent attendant benefits with salary arrears etc., as per the proposal submitted by the 3rd respondent school dated 14.03.2017.

PRAYER in W.P(MD)No.19478 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the Impugned Order passed by the 2nd respondent in Athimu.No.1110/A2/2017 dated 13.04.2017 and quash the same and directing the 2nd respondent to approve the appointment of the petitioner namely Ramalakshmi as BT Teacher (Maths) in the 3rd respondent school namely Sri Rao Bahadur A.K.D.Dharmaraja Girls Higher Secondary School, Rajapalayam with effect from 15.04.2015 with all consequent attendant benefits with salary arrears etc., as per the proposal submitted by the 3rd respondent school dated 14.03.2017.



In all wps;

For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.J.Gunaseelanmuthiah
Addl. Govt. Pleader
(for R1 and R2)

Mr.C.Jeganathan for
M/s Veera Associates (for R3)

COMMON ORDER

The petitioners in these writ petitions were appointed as B.T Assistant in various subjects. It is not in dispute that the appointments were made in respect of sanctioned posts. It is also not in dispute that the petitioners are eligible to be appointed. In other words, they possess the requisite educational qualifications. However, the proposals submitted by the Management for approval were returned by the Department on the ground that communal reservation was not followed. But when these writ petitions were taken up for final disposal, it was fairly submitted on either side that the communal reservation was followed in respect of 5 appointments out of 7 appointments. The total vacancies are 10 in number. Thus, the dispute was only in respect of two appointments. As regards the remaining five, there is no dispute as the petitioners belonged to the respective reserved categories.

2.In this view of the matter, the second respondent is directed to approve the appointments of the respective writ petitioners from the date when they were originally appointed. The Department shall also sanction grant in aid towards salary and other consequential benefits forthwith without any delay. The orders impugned in these writ petitions are quashed.

3.Accordingly, these Writ Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Chief Educational Officer,
District Collectorate Campus, Virudhunagar.

2.The District Educational Officer,
Srivilliputhur, Virudhunagar District.

+5ccs to Mr.K.K.Kannan, Advocate, SR.Nos.51135 to 51139
skn

RL/8C/3P/KK/SAR1/21/3/2018

W.P. (MD) Nos.19474 to 19478 of 2017
and

W.M.P (MD) Nos.15775 to 15779 of 2017
23.02.2018