

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.23120,23121 & 23848 of 2018

&

W.M.P.Nos.27005, 27007, 27786, 34449 & 24452 of 2018

W.P.No.23120 of 2018

Brindha Selvakumari

..Petitioner

vs

1.The Director of Education
DPI Campus, College Road,
Chennai 600 006

2.The District Educational Officer
Chengalput

3.The Block Educational Officer
Thirupporur

4.Advent Christian Conference of India
Represented by its Secretary
163, AMM Compound,
Gandhi Salai, Velachery
Chennai 600 042.

5.The Correspondent
Advent Christian Schools
163, AMM Compound,
Gandhi Salai, Velachery
Chennai 600 042.

.. Respondents

Prayer in W.P.No.23120 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for all the records on the file of the 5th respondent in relation to the impugned order dated 01.09.2018, wherein the petitioner had been reverted from the post of Elementary School Head Mistress (wrongly described as Secondary Grade Teacher) to the post of

Secondary Grade Teacher in the same school and quash the same, as tainted with malafides and against the principles of natural justice.

W.P.No.23121 of 2018

Tmt.G.Clara

..Petitioner

vs

1.The Director of Elementary Education
DPI Campus, College Road,
Chennai 600 006

2.The District Educational Officer
Chengalput

3.The Block Educational Officer
Thirupporur

4.Advent Christian Conference of India
Represented by its Secretary
163, AMM Compound,
Gandhi Salai, Velachery
Chennai 600 042.

5.The Correspondent
Advent Christian Schools
163, AMM Compound,
Gandhi Salai, Velachery
Chennai 600 042.

.. Respondents

Prayer in W.P.No.23121 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for all the records on the file of the 5th respondent in relation to the impugned order dated 01.09.2018, wherein the petitioner had been reverted from the post of Middle School Head Mistress (wrongly described as Elementary School Head Mistress) to the post of Elementary School Head Mistress and the consequential transfer from Ponmar Middle School to the Advent Christian Elementary School at Thazhambur as tainted with malafides and against the principles of natural justice.

W.P.No.23848 of 2018

Edward Charles

..Petitioner

vs

1.The Director of Elementary School Education
DPI Campus, College Road,
Chennai 600 006

2.The District Educational Officer
Central Chennai
Model School Campus, Saidapet,
Chennai 600 015

3.The Block Educational Officer I & II
Bazaar Road, Saidapet
Chennai 600 015

4.The Advent Christian Conference of India
Represented by its Secretary
163, AMM Compound,
Gandhi Salai, Velachery
Chennai 600 042.

5.The Correspondent
Advent Christian Schools
163, AMM Compound,
Gandhi Salai, Velachery
Chennai 600 042.

.. Respondents

Prayer in W.P.No.23848 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for all the records on the file of the 5th respondent dated 01.09.2018 (served upon the petitioner only on 07.09.2018) whereby the petitioner is reverted from the post of Middle School Head Master to the post of B.T.Assistant and promote and transfer as a Middle School Head Master only with effect from 04.09.2018 to the Advent Christian Middle School, Ponmar, quash the same as arbitrary and violative of the principles of natural justice.

For Petitioner	:	Mrs.Dakshayani Reddy
(in all Wps)		
For Respondents 1 to 3	:	Ms.V.Annalakshmi
(in all Wps)		Government Advocate

For Respondents 4 & 5 : Mr.Vijay Shankar
(in all Wps)

C O M M O N O R D E R

The case of the petitioners is that the petitioner in W.P.No.23120 of 2018 was appointed as Secondary Grade Teacher in the year 1998. The petitioner in W.P.No.23121 of 2018 was appointed as Secondary Grade Teacher in the year 1988. The petitioner in W.P.No.23848 of 2018 was appointed as B.T Assistant in the year 2005. Subsequently, the petitioners were promoted as an Elementary School Head Mistress, Middle School Head Mistress and a Middle School Head Master respectively, between the years 2015 and 2016 and thereafter, there was a change in the post of correspondent of the 4th respondent society. In view of the above change, the impugned order came to be passed and all these petitioners were reverted from the holding post to their previous post i.e., Secondary Grade Teacher, Elementary School Head Mistress and B.T.Assistant respectively. Thereafter, proposal was sent to the correspondent for approval of promotional post. However, promotion was not granted due to the pendency of the Writ Petition in W.P.No.27618 of 2015 and today the said Writ Petition was dismissed as withdrawn based on the affidavit filed by Rev.Dr.A.Francis Thangadurai (the President, The Advent Christian Conference of India at the time of filing the said Writ Petition). Hence, there is no legal impediment to consider the proposal sent by the petitioner to approve the promotional post.

2. The learned counsel for the petitioners would submit that it would be suffice to issue directions to the respondents to consider the approval sent by the 4th respondent within a reasonable time.

3. The learned counsel appearing for the 4th respondent would submit that the proposal was returned on the ground that the Writ Petition was pending before this Court and the status quo was ordered. Now the said Writ Petition has been withdrawn. He would also submit that the proposal will be sent to the new Managing Committee and to the 2nd respondent for approval of the promotional post.

4. Considering the facts and circumstances of the case that the proposal sent by the then committee was returned on the ground that there was a status quo order passed in W.P.No.27618 of 2015 and today the said Writ Petition is withdrawn, there is no legal impediment to consider the petitioners' claim for approval of the promotional post.

5. In view of the above, I am inclined to issue direction to the 2nd respondent to pass appropriate orders in 4th respondent proposal with regard to the proposal for the promotion for Brindha Selvakumari, G.Clara and Edward Charles within a period of twelve weeks from the date of receipt of a copy of this Order.

6. The Writ Petitions are disposed of on the above lines. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of Elementary school Education,
DPI Campus, College Road,Chennai 600 006

2.The District Educational Officer,Chengalput

3.The Block Educational Officer,Thirupporur

4.The District Educational Officer
Central Chennai
Model School Campus, Saidapet,Chennai 600 015

5.The Block Educational Officer I & II
Bazaar Road, Saidapet
Chennai 600 015

+1cc to Mrs.Dakshayani reddy , Advocate SR.No. 80532

+3ccs to Mr.Vijay Sankar, Advocate SR.No. 80482,80479,80480

+1 cc to Government Pleader Sr.No. 81175 to 81177

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ca A.SK(19/11/2019)