

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17245, 17667 to 17670, 29642, 29543, 29546, 29548,
29550, 29643, 32120, 32122, 32126, 32127, 32129, 32132 of 2018,
21043, 21044, 21440, 21441, 24256, 23146 to 23148, 23150, 23151,
23153, 23155, 23156, 23159, 23161, 23162, 23164, 23166, 23168,
23170, 23172, 23173 and
23174 of 2019
and

Connected Miscellaneous Petitions

1 I.JOHN WILSON AZARIAH ... PETITIONER in WP No.17245 of 2018
1 S.DHAMODARAN ... PETITIONER in WP No.17667 of 2018
1 D.MOHANKUMAR ... PETITIONER in WP No.17668 of 2018
1 J.RUPY CHARLET ... PETITIONER in WP No.17669 of 2018
1 S.SANKARABANI ... PETITIONER in WP No.17670 of 2018
1 G.SUMATHY ... PETITIONER in WP No.29642 of 2018
1 E.DEBORAH ... PETITIONER in WP No.29543 of 2018
1 DR. B. ANDREWS ... PETITIONER in WP No.29546 of 2018
1 S.GNANAMANI ... PETITIONER in WP No.29548 of 2018
1 A. HARISH KUMAR ... PETITIONER in WP No.29550 of 2018
1 K.V.MARI SUGUNA ... PETITIONER in WP No.29643 of 2018
1 S.KIRUBANANDARAJ ... PETITIONER in WP No.32120 of 2018
1 M.DEEPA ... PETITIONER in WP No.32122 of 2018
1 S.SARANYA ... PETITIONER in WP No.32126 of 2018
1 M.THENMOZHI ... PETITIONER in WP No.32127 of 2018
1 C.SHALINI ... PETITIONER in WP No.32129 of 2018

1 L.AROKIA REX THILAK ... PETITIONER in WP No.32132 of 2018

1 N.IDA PRIYADARSHINI ... PETITIONER in WP No.21043 of 2019

1 J. SHEEBA SATHIYA DEVAKIRUBAI ... PETITIONER in WP No.21044 of 2019

1 G.PRADEEP KUMAR ... PETITIONER in WP No.21440 of 2019

1 J.EBINESAN ... PETITIONER in WP No.21441 of 2019

1 G.PRABHU GAMELIEL JOSEPH ... PETITIONER in WP No.24256 of 2019

1 S.VASANTHI ... PETITIONER in WP No.23146 of 2019

1 G.CHELLAPANDIYAN ... PETITIONER in WP No.23147 of 2019

1 J.R. RONALD RAMESH PRABU ... PETITIONER in WP No.23148 of 2019

1 J.KIRUBAGARAN ... PETITIONER in WP No.23150 of 2019

1 P.MALAR RANI ... PETITIONER in WP No.23151 of 2019

1 H.LIYONAL BIJI ... PETITIONER in WP No.23153 of 2019

1 S. AGILA ... PETITIONER in WP No.23155 of 2019

1 V. KIRUBANANDAN ... PETITIONER in WP No.23156 of 2019

1 S.VIVEKANANDAN ... PETITIONER in WP No.23159 of 2019

1 S.JUSTIN PRABU SAM ... PETITIONER in WP No.23161 of 2019

1 J.NIRMAL KUMAR ... PETITIONER in WP No.23162 of 2019

1 R. HEPSY NIRMAL KUMARI ... PETITIONER in WP No.23164 of 2019

1 J. DANIEL ... PETITIONER in WP No.23166 of 2019

1 R. IRWIN JAYAKUMAR ... PETITIONER in WP No.23168 of 2019

1 V.SHAKINDAR ... PETITIONER in WP No.23170 of 2019

1 W. GEORGE WILSON AZARIYA ... PETITIONER in WP No.23172 of 2019

- 1 V.KAVITHA ... PETITIONER in WP No.23173 of 2019
- 1 I.EVANGELINE MINNI ... PETITIONER in WP No.23174 of 2019

Vs.

- 1 THE DIRECTOR OF SCHOOL EDUCATION
DPI COMPOUND COLLEGE ROAD, CHENNAI.

...1st Respondent in WP No. 17245,17667, 17668,17670,
29642, 29543, 29546, 29548,29550, 29643, 32120, 32122,
32126, 32127, 32129, 32132, of 2018, 21043, 21044,
21441,24256, 23146 to 23148, 23150, 23151, 23153,
23155,23156,23159,23161, 23162, 23164, 23166, 23168,
23170 and 23172 to 23174 of 2019

.. 2nd Respondent in WP No.17669 of 2018, 21440/2019

- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT CHENNAI - 9

...1st Respondent in WP No.17669 of 2018,
21440 and 21441 of 2019

- 1 THE CHIEF EDUCATIONAL
OFFICER VELLORE

...2nd Respondent in WP No. 17245,17667, 17668,
17670, 29642, 29543, 29546, 29548, 29550, 29643,
32120,32122, 32126, 32127, 32129, 32132 of 2018,
21043,21044, 21441, 24256, 23146 to 23148,
23150,23151, 23153, 23155, 23156, 23159, 23161,
23162, 23164,23166, 23168, 23170 and 23172 to
23174 of 2019

... 3rd Respondent in WP No.17669 of 2018, 21440/2019

- 1 THE CORRESPONDENT
CONCORDIA HIGHER SECONDARY SCHOOL
VANIYAMBADI 635 751.

...4th Respondent in W.P.Nos.32120/2018,
32122, 32126, 32127, 32129, 32132/2018

- 1 THE DISTRICT EDUCATIONAL OFFICER
THIRUPATTUR VELLORE DISTRICT

...3rd Respondent in W.P.Nos.17245,
17667, 17668 & 17670/2018

...4th Respondent in W.P.Nos.17669/2018.

1 THE DISTRICT EDUCATIONAL OFFICER
VANIYAMBADI VELLORE DISTRICT

... 3rd Respondent in WP No.29642, 29543,
29546, 29548, 29550, 29643, 32120, 32122, 32126, 32127,
32129, 32132 of 2018, 21043, 21044, 21441, 24256,
23146 to 23148, 23150 , 23151 , 23153, 23155, 23156,
23159, 23161, 23162, 23164, 23166, 23168, 23170 and
23172 to 23174 of 2019

...4th Respondent in W.P.Nos.21440/2019.

1 THE CORRESPONDENT CONCORDIA
HIGH SCHOOL AMBUR-635 802

...4th Respondent in WP No.17245 of 2018

1 THE CORRESPONDENT
CONCORDIA HIGHER SECONDARY SCHOOL
AMBUR 632802
VELLORE DISTRICT

...5th Rest., in WP No.17669 of 2018,
21440, 23146 to 23148, 23150 , 23151 ,
23153, 23155 and 23170 of 2019

... 4th Respondent in WP No.29642, 29543,
29546, 29548, 29550, 29643, 32132 of 2018,
21441 and 24256 of 2019

1 THE CORRESPONDENT
CONCORDIA HIGH SCHOOL PERNAMPUT - 635810

...4th Respondent in WP No.17667, 17668, 17670 of
2018 , 21043 and 21044 of 2019

1 THE CORRESPONDENT
CONCORDIA HIGH SCHOOL PERNAMPUT
VELLORE DISTRICT

...5th Respondent in W.P.Nos.23156,
23159 and 23162/2019.

1 THE SECRETARY
EDUCATIONAL COMMITTEE IELC-AMBUR SYNOD
MISSION COMPOUND AMBUR VELLORE DISTRICT

... 4th RESPONDENT in WP No.23146 to 23148,
23150, 23151, 23153, 23155, 23156, 23159, 23161,
23162, 23164, 23166, 23168, 23170 and 23172 TO
23174 of 2019

5 TMT.EUNICE CHANDROTHAYAM
B.T.ASSISTANT(BOTANY) CONCORDIA HIGH SCHOOL
AMBUR-635 802 VELLORE DISTRICT

6 THIRU.SAMBASIVAM(IN PERSONAL
CAPACITY) THE DISTRICT EDUCATIONAL OFFICER
THIRUPATTUR VELLORE DISTRICT

...Respondents 5 & 6 in WP No.17245 of 2018

1 THE EDUCATION COMMITTEE
REP BY ITS SECRETARY G.KUMAR AMBUR SYNOD
IELC AMBUR SYNOD OFFICE MISSION COMPOUND
AMBUR VELLORE DT.

(R5 impleaded vide order of Court dated 10.12.2018 made in
W.M.P. 37926/2018, 37910/2018,37916/2018,37921/2018 & 37924/2018
in W.P.Nos.29642/2018,29543/2018,29546/2018, 29548/2018,
29550/2018)

...5th Respondent in WP No.29642, 29543, 29546, 29548,
29550 of 2018

5 THE CORRESPONDENT
IELC AIDED MIDDLE SCHOOL MAILPATTI
VELLORE DISTRICT

..5th Respondent in W.P.Nos.23174/2019.

THE CORRESPONDENT
IELC MIDDLE SCHOOL
MAILPATTI, VELLORE DISTRICT

..5th Respondent in W.P.Nos.23161/2019

THE CORRESPONDENT
CONCORDIA HIGHER SECONDARY SCHOOL
VANIYAMBADI VELLORE DISTRICT

..5th Respondent in W.P.Nos.23164,
23166, 23168, 23172, 23173/2019.

These Writ Petitions are filed under Article 226 of the
Constitution of India to issue a Writ of,

WP No.17245 of 2018

Certiorarified Mandamus to calling for entire records
connected with the impugned proceedings passed by the 3rd
respondent in Na.Ka.No /3751 /A2 / 2017, dated 09.11.2017 in so
far as appointing the 5th respondent as Headmistress (in-
charge) of the 4th respondent school and QUASH the same and
consequently DIRECT the 3rd respondent to approve the promotion
of the petitioner as Headmaster in the 4th respondent
w.e.f.01.06.2017, on the basis of the proposal submitted by the
school on 02.06.2017, with all monetary and consequential
benefits

WP No.17667 of 2018

Certiorarified Mandamus to Call for the entire records connected with the impugned proceedings of the 4th respondent passed vide O.Mu.No. 2472/ Aa2/ 2018 dated Nil. 05.2018, signed on 30.5.2018 and quash the same and directing respondents to approve the appointment of the petitioner as Office Assistant in the 5th respondent school w.e.f 07.06.2017, with all consequential benefits,

WP No.17668 of 2018

Certiorarified Mandamus to Call for the entire records connected with the impugned proceedings of the 4th respondent passed vide O.Mu.No. 2196/ Aa2/ 2018 dated Nil. 05.2018, signed on 30.5.2018 and quash the same and directing respondents to approve the appointment of the petitioner as Night Watchman in the 5th respondent school w.e.f 07.06.2017, with all consequential benefits,

WP No.17669 of 2018

Certiorarified Mandamus to Call for the entire records connected with the impugned proceedings of the 4th respondent passed vide Aa.Thi.Mu.No. 2851/ A2/ 2017 dated 18.07.2014 and quash the same and directing respondents to approve the appointment of the petitioner as Lab Assistant in the 5th respondent school w.e.f 01.07.2014, with all consequential benefits, in the light of the order passed in W.A.No. 74 of 2016 dated 11.3.2016,

WP No.17670 of 2018

Certiorarified Mandamus to Call for the entire records connected with the impugned proceedings of the 4th respondent passed vide O.Mu.No. 2471/ Aa2/ 2018 dated Nil. 05.2018, signed on 30.5.2018 and quash the same and directing respondents to approve the appointment of the petitioner as Physical Education Teacher in the 5th respondent school w.e.f 07.06.2017, with all consequential benefits,

WP No.29642 of 2018

Mandamus directing the 2nd respondent to approve the promotion of the petitioner as P.G.Assistant English in the 4th respondent school, wef 03.10.2013 with all consequential monetary benefits on the basis of the proposal submitted by the 4th respondent dated 30.9.2015 and 22.9.2016

WP No.29543 of 2018

Mandamus Directing the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant (English) in the 4th respondent School, w.e.f. 07.06.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 30.08.2017.

WP No.29546 of 2018

Mandamus Directing the 2nd respondent to approve the appointment of the petitioner as P.G. Assistant (Chemistry) in the 4th respondent School, w.e.f. 07.06.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 30.08.2017.

WP No.29548 of 2018

Mandamus Directing the 2nd respondent to approve the appointment of the petitioner as P. G. Assistant (Commerce) in the 4th respondent School, w.e.f. 07.06.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 30.08.2017.

WP No.29550 of 2018

Mandamus Directing the 2nd respondent to approve the appointment of the petitioner as Physical Education Director in the 4th respondent School, w.e.f. 07.06.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 30.08.2017.

WP No.29643 of 2018

Mandamus directing the 2nd respondent to approve the promotion of the petitioner as P.G.Assistant History in the 4th respondent school, w.e.f. 03.10.2013 with all consequential monetary benefits on the basis of the proposal submitted by the 4th respondent dated 30.9.2015

WP No.32120 of 2018

Mandamus directing the 2nd respondent to approve the promotion of the petitioner as Headmaster in the 4th respondent school w.e.f.1.6.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 6.7.2017

WP No.32122 of 2018

Mandamus directing the 2nd respondent to approve the appointment of the petitioner as Lab Assistant in the 4th respondent school w.e.f.7.6.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 3.10.2017

WP No.32126 of 2018

Mandamus directing the 2nd respondent to approve the appointment of the petitioner as Record clerk in the 4th respondent school w.e.f.7.6.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 3.10.2017

WP No.32127 of 2018

Mandamus directing the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant (Science) in the 4th respondent school w.e.f.7.6.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 3.10.2017

WP No.32129 of 2018

Mandamus directing the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant (Science) in the 4th respondent school w.e.f.7.6.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 3.10.2017

WP No.32132 of 2018

Mandamus directing the 2nd respondent to approve the appointment of the petitioner as P.G.Assistant (Chemistry) in the 4th respondent school w.e.f.7.6.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 3.10.2017

WP No.21043 of 2019

Mandamus Directing the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant (Maths) in the 4th respondent School, w.e.f. 07.06.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017.

WP No.21044 of 2019

Mandamus Directing the 2nd respondent to approve the appointment of the petitioner as B.T.Assistant (English) in the 4th respondent School, w.e.f. 07.06.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017.

WP No.21440 of 2019

Certiorarified Mandamus Calling for the entire records connected with the impugned order in A.Thi. Mu.No.5573/ B3/ 09, dated 16.11.2009 passed by the District Educational Officer, Thirupattur, presently the 4th respondent and quash the same and consequently direct the respondents to approve the appointment of the petitioner as Library Assistant in the 5th respondent school from 02.08.2008 to 02.10.2013 with all consequential monetary benefits, in the light of the G.O.Ms. No.64, School Education (Paka6(1) department dated 03.04.2018.

WP No.21441 of 2019

Mandamus Directing the 2nd respondent to approve the appointment of the petitioner as Library Assistant in the 4th respondent School, w.e.f. 01.06.2017, with all consequential monetary

benefits, on the basis of the proposal submitted by the 4th respondent dated 24.07.2018.

WP No.24256 of 2019

Mandamus Directing the 2nd respondent to approve the appointment of the petitioner B.T. Assistant (Tamil) in the 4th respondent School, w.e.f. 07.06.2017, with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017

WP No.23146 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as P.G. Assistant (History) in the 5th respondent school, w.e.f., 02.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23147 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as P.G. Assistant (English) in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23148 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as P.G. Assistant in Commerce in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23150 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as P.G. Assistant in Tamil in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23151 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as P.G. Assistant in Botany in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23153 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as Physical Director in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23155 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as Librarian Assistant in the 5th respondent school, w.e.f., 02.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23156 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as Office Assistant in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23159 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as Night Watchman in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23161 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as B.T. Assistant in Tamil in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23162 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as Physical Education Teacher in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23164 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as P.G. Assistant in Botany in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23166 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as Lab Assistant in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23168 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as B.T. Assistant in History in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23170 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as B.T. Assistant in History in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23172 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as P.G. Assistant in History in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23173 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as Record Clerk in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

WP No.23174 of 2019

Mandamus Directing the 2nd and 3rd respondent to approve the appointment of the petitioner as B.T. Assistant in History in the 5th respondent school, w.e.f., 07.06.2017 with all consequential monetary benefits, on the basis of the proposal submitted by the 4th respondent dated 07.06.2017 and 5th respondent dated 19.10.2017

For Petitioners : Mr.S.N.Ravichandran

(in W.P.Nos.17245, 17667 to 17670,
29642, 29543, 29546, 29548, 29550,
29643, 32120, 32122, 32126, 32127,
32129, 32132 of 2018, 21043, 21044,
21440, 21441 and 24256 of 2019)

: Mr. B.Gopalakrishnan

(in W.P. Nos. 23146 to 23148, 23150,
23151, 23153, 23155, 23156, 23159,
23161, 23162, 23164, 23166, 23168,
23170, 23172, 23173 and 23174 of 2019.

For Respondents : Ms.P.Kavitha

Government Advocate (for R1 to R3)
(for Education)

(in W.P.Nos.17245,17667,17668,17670,
29642, 29543, 29546, 29548, 29550,
29643, 32120, 32122, 32126, 32127,
32129, 32132 of 2018, 21043, 21044,
21441, 24256, 23146 to 23148,
23150, 23151, 23153, 23155, 23156,
23159, 23161, 23162, 23164, 23166,
23168, 23170, 23172, 23173 and
23174 of 2019.

Ms.P.Kavitha

Government Advocate (for R1 to R4)
(for Education)

(in W.P.Nos.17669 of 2018 &
21440 of 2019)

Mr. L. Chandrakumar (for R4)

(in W.P.Nos.17245,17667,17668,17670,
29642, 29543, 29546, 29548, 29550,
29643, 32120, 32122, 32126, 32127,
32129, 32132 of 2018, 21043, 21044,
21441, and 24256 of 2019.

Mr. L. Chandrakumar (for R4 & R5)
(in W.P.Nos.23146 to 23148,
23150, 23151, 23153, 23155, 23156,
23159, 23161, 23162, 23164, 23166,
23168, 23170, 23172, 23173 and
23174 of 2019.

Mr. L. Chandrakumar (for R5)
(in W.P.Nos.17669 of 2018 &
21440 of 2019)

Mr. B.Gopalakrishnan (for R5)
(in W.P.Nos.17245, 29642, 29543,
29546, 29548 and 29550 of 2018

COMMON ORDER

Since the issue raised in the writ petitions are almost identical vis-a-vis prayer sought for is also similar in nature, these writ petitions are taken up together and are being disposed of vide this common order.

2. All these writ petitions have been filed seeking to direct the Chief Educational Officer, Vellore to approve of appointments of the petitioners as B.T.Assistant and P.G. Assistant, etc., on the basis of the respective proposals submitted by the Correspondent, Concordia Higher Secondary School, Ambur, Vellore District and also to quash the impugned orders rejecting the approval of appointment of the petitioners as Teaching and Non Teaching Staff.

3. The Concordia Higher Secondary School, Ambur, Vellore District is a Minority Institution being administrated by the Indian Evangelical Lutheran Church, Ambur. It appears that when vacancies arose in respect of posts, viz., B.T. Assistant, P.G.Assistant and Head Master etc., though the Correspondent of the Concordia Higher Secondary School have sent proposals to the Chief Educational Officer, Vellore District for approval of the appointments through the District Educational Officer, no action has been taken by the authority in the matter of approval of the appointments sought for in the respective proposals and as the authority rejected the approval of appointment in the post of Head Master etc., these writ petitions have been filed.

4. When these writ petitions are taken up for hearing, the learned counsel appearing for the petitioners would submit that in respect of the Management of Indian Evangelical Lutheran Church (IELC) there were several disputes pending and by order dated 31.07.2018 in Tr.C.S.No. 741 of 2017 and A.No. 1695 of

2018 filed by the above Management, this Court has appointed Retired Judge of this Court as the Interim Administrator. The said order reads as follows:-

"3. Accordingly, this Court appoints the Interim Administrator as Follows:

i. that the Honourable Mr. Justice D. Hariparandaman (Retired Judge, High Court, Madras) residing at No.2, First Main Road, Kamaraj Nagar, Thiruvannamiyur, Chennai 600 041, Chennai 600 041, Phone No.044-24416340, be and is hereby appointed as Interim Administrator.

ii. that the Interim Administrator appointed herein shall take charge and administer the India Evangelical Lutheran Church (IELC) till the entire dispute between the parties are resolved and new elections are conducted as per Byelaws of church.

iii. that the Judge Commissioner appointed herein shall be paid a sum of Rs.1,00,000/- per month (Rupees One Lakh only per month) and the said sum shall be drawn from the funds of the church.

iv. That the Judge Commissioner shall also be entitled for the car allowance on the basis of actually spent by him while discharging his duties as Administrator.

v. that the Interim Administrator appointed herein shall take the assistance of any lawyer of his choice for his administration purposes and for proper conducting of election and shall draw funds towards the expenditure for conducting election.

vi. That the Judge Commissioner appointed herein be and is hereby empowered to hire a personal secretary to assist him in his work and also be entitled working space, personal staff and communication facilities and also draw assistance from the existing staff of the Church as he shall deem fit as necessary.

vii. that the existing office bearers shall not take any major decision touching upon the financial matter, payments and other aspects

including any decision over immovable properties, appointments, etc.,

viii. that the existing office bearers and other officials of Church shall co-operate with the Interim Administrator for smooth administration of the Church.

4. while passing this order, the learned counsel appearing for the plaintiff in O.S.No.3261 of 2017 submitted that the plaintiff in O.S.No.3261 of 2017 has already been elected in the election which was held on 26.05.2017 and is continuing as office bearer and the said election has not been challenged.

5. the learned counsel also submitted that when the Administrator is appointed, their term would be cut short and the normal term as per Byelaws is three (3) years and hence submitted that those elected office bearers shall be allowed to continue to work along with the Administrator and to be monitored by the Administrator.

5. Till the dispute between the parties are resolved and new Committee being elected as per byelaws of the Church, the interim Administrator appointed by this Court will look after the affairs of the Church.

6. The learned counsel for the petitioners would further submit that appropriate orders may be issued to the concerned authority for approval of the appointments as sought for in the respective proposals.

7. Considering the facts and circumstances as well as the submissions made by the learned counsel for the petitioners and since the proposals sent by the Correspondent of Concordia Higher Secondary School seeking approval of the appointment of both teaching and non teaching staff are pending, without going into the merits of the case, this Court directs the Chief Educational Officer arrayed as respondent in all the writ petitions to consider the proposals submitted by the Correspondent of concerned School in the matter of approval of appointment of both teaching and non teaching staff and pass appropriate orders therein within a period of twelve weeks from the date of receipt of a copy of this order, on merits and in accordance with law. The concerned Chief Educational Officer is also directed to obtain views of the interim Administrator appointed by this Court in the matter of approval of the appointments.

8. With the above directions, the Writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

- 1 THE DIRECTOR OF SCHOOL EDUCATION
DPI COMPOUND COLLEGE ROAD, CHENNAI
- 2 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT CHENNAI - 9
- 3 THE DISTRICT OF SCHOOL
EDUCATION D.P.I. BUILDINGS COLLEGE ROAD
CHENNAI - 6
- 4 THE CHIEF EDUCATIONAL
OFFICER VELLORE
- 5 THE DISTRICT EDUCATIONAL
OFFICER VELLORE
- 6 THE DISTRICT EDUCATIONAL
OFFICER THIRUPATTUR
VELLORE DISTRICT
7. THE DISTRICT EDUCATIONAL OFFICER
VANIYAMBADI VELLORE DISTRICT
- 8 THE CORRESPONDENT CONCORDIA
HIGH SCHOOL AMBUR-635 802
- 9 THE CORRESPONDENT
CONCORDIA HIGHER SECONDARY SCHOOL
AMBUR 632802
- 10 THE CORRESPONDENT
CONCORDIA HIGH SCHOOL PERNAMPUT - 635810
- 11 THE SECRETARY
EDUCATIONAL COMMITTEE IELC-AMBUR SYNOD
MISSION COMPOUND AMBUR VELLORE DISTRICT

- 12 THE EDUCATION COMMITTEE
REP BY ITS SECRETARY G.KUMAR AMBUR SYNOD
IELC AMBUR SYNOD OFFICE MISSION COMPOUND
AMBUR VELLORE DT.
- 13 THE CORRESPONDENT
IELC AIDED MIDDLE SCHOOL MAILPATTI VELLORE
DISTRICT
14. THE CORRESPONDENT
CONCORDIA HIGHER SECONDARY SCHOOL
VANIYAMBADI 635 751
15. THE CORRESPONDENT
CONCORDIA HIGHER SECONDARY SCHOOL
PERAMBUT, VELLORE DIST
16. THE CORRESPONDENT
IELC MIDDLE SCHOOL, MAILPATTI VELLORE
- +1 CC to Govt. Pleader sr 90725 to 90732.
+15 Ccs to Mr.B. Gopala Krishnan, Advocate sr 90008.
+1 CC to Mr.S.N.Ravichandran, Advocate sr 90078.

W.P.Nos.17245 of 2018 etc., batch cases and
21043 of 2019 etc., batch cases
and
Connected Miscellaneous Petitions

RSI (CO)
SP(06/01/2020)

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