



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVANW.P (MD) Nos.5344 to 5347 of 2019

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P.Anandraj	... Petitioner in WP (MD) No.5344/2019
D.Leena Granappu	... Petitioner in WP (MD) No.5345/2019
Mallika Maria Packiam	... Petitioner in WP (MD) No.5346/2019
J.Jeyadasan	... Petitioner in WP (MD) No.5347/2019

vs.

1. The Director of School Education,
DPI Compound,
College Road,
Chennai.
 2. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
 3. The District Educational Officer,
Tirunelveli,
Tirunelveli District.
 4. The Correspondent,
St. John's Higher Secondary School,
Palayamkottai,
Tirunelveli District.
- ... Respondents in all W.Ps.

COMMON Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in O.Mu.No. 195/ A4/ 2018 dated 23.01.2019 and quash the same as illegal and consequently direct the 2nd & 3rd respondents to approve the petitioners' appointment proposal dated 08.01.2019 and confer all other service benefits such as yearly increments, incentives, earn leave, arrears of salary from the date of appointment i.e., 04.04.2017, 16.07.2012, 20.06.2011 and 25.07.2017 respectively.

For Petitioners	: Mr.S.Chellapandian
For Respondents	: Mrs.S.Srimathy Special Government Pleader in all writ petitions.

COMMON ORDER

These writ petitions have been filed to quash the impugned orders passed by the third respondent, dated 23.01.2019 and consequently direct the second and third respondents to approve the petitioners' appointment proposal and confer all other service benefits such as yearly increments, incentives, earn leave and arrears of salary from the date of their appointments.

2. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents. By consent, the writ petitions are taken up for final disposal at the stage of admission itself.

3. The learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents submitted that in similar circumstances, this Court, by order, dated 26.07.2018 in W.P(MD)No.16428 of 2018, at paragraph Nos.7 and 8, held as follows:-

"7. In this case also, the petitioner was appointed in the fourth respondent School, which is admittedly a recognised minority aided School. The appointment also has been made within the sanctioned strength and the petitioner claimed that, he is having every qualification to hold the post. When that being the position, as no other reason has been given in the impugned order, except the reason of TET qualification, that too, citing the reason that, no guidelines given by the first respondent/Director to the lower level approving authorities to approve such appointment without TET qualification, this Court is of the firm view that the impugned order cannot be sustained and it is liable to be quashed.

8. In the result:-

(i) the impugned order is quashed and the Writ Petition is allowed;

(ii) the matter is remitted back to the respondents, especially, the second respondent, who shall pass necessary orders with regard to the grant of approval to the petitioner's appointment, as no other impediment has been cited in the impugned order, except the guidelines to be issued by the Director for making approval of the Teachers, who have been appointed in the minority aided School without TET qualification;

(iii) Such orders of approval shall be passed within a period of four weeks from the date of receipt of a copy of this order; and

(iv) It is needless to mention that, once the approval is given, the petitioner is entitled to get all service and monetary benefits, as per the eligibility and the same shall also be paid to the petitioner forthwith."



4. Following the same, these Writ Petitions stand disposed of in similar line. No costs.

sd/
Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
DPI Compound,
College Road, Chennai.
2. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
3. The District Educational Officer,
Tirunelveli, Tirunelveli District.

+1 CC to SPL GP (SR-52655[F] dated 08/03/2019)

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MJ

MK (26.03.2019) 3P 5C