



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) Nos.17932 of 2014, 13292 of 2015, 3267 and 3268 of 2017,
1889 and 4369 of 2018

and

M.P. (MD) No.1 of 2014, 1 of 2015 and W.M.P. (MD) No.2608 of 2017 and
4464 of 2018

W.P (MD) No.17932 of 2014:-

P.Pommi Kutty Porcia

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

2.The Additional Assistant Elementary
Educational Officer, Nanguneri,
Tirunelveli District.

3.The Correspondent,
St.Antony's Primary School,
Nellaiappapuram Nanguneri Union,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the first respondent, District Elementary Educational Officer, vide Na.Ka.No.719/A5/2014, dated 25.10.2014, quash the same and to direct the first respondent herein to approve the petitioner's service as Secondary Grade Teacher in the third respondent school during the period from 01.02.2002 to 17.06.2004 (2 years, 4 months and 16 days) with salary and other attendant benefits.

For Petitioner : Mr.A.Ajith Geethan

For R1 and R2 : Mrs.S.Srimathy,
Special Government Pleader



WP(MD)No. 13292/ 2015 :

T.KINGSLY NIRMALA

... Petitioner.

- Vs. -

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.

2 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
NANGUNERI, TIRUNELVELI DISTRICT.

3 THE CORRESPONDENT,
ST. ALOYSIUS MIDDLE SCHOOL, CHINTHAMANI POST,
MUNANJIPATTI VIA, NANGUNERI TALUK,
TIRUNELVELI DISTRICT.

... Respondents.

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Proceedings issued by the 1st Respondent District Elementary Educational Officer vide O. Mu. No. 1496/Aa4/2008, dated 02.09.2008 quash the same and further direct the 1st respondent herein to approve the petitioner' s service as Secondary Grade Teacher in the 3rd Respondent school during the period from 01.02.2002 to 17.06.2004 (2 years, 4 months and 17 days) with salary and other attendant benefits.

For Petitioner	:	Mr.A.Ajith Geethan
For R1 and R2	:	Mrs.S.Srimathy, Special Government Pleader.

WP(MD) . 3267/ 2017:

J.PUNITHA

... Petitioner.

- Vs. -

1 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.

2 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

3 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
SATTANKULAM UNION, TUTICORIN DISTRICT.



4 THE CORRESPONDENT,
R.C. PRIMARY SCHOOL, VELAYUTHAPURAM,
ALANKINARU POST, SATTANKULAM TALUK,
TUTICORIN DISTRICT.

... Respondents.

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent AEEO in A.Thi.Mu.No.29/A1/2017 dated 27.01.2017 Quash the Same, and further Direct the 2nd respondent herein to approve the appointment of the petitioner as Secondary Grade Teacher in the 4th respondent school from 09.06.2010 to 17.12.2012 (2 years, 6 months and 8 days), with salary and other attendant benefits.

For Petitioner: Mr.A.Ajith Geethan
For R1 to R3: Mrs.S.Srimathy,
Special Government Pleader.

WP(MD)No. 3268/ 2017:
A.CELASTIN MAHIMAIRAJ

... Petitioner.

- Vs. -

1 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.

2 THE DIRSTRICK ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

3 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
VILATHIKULAM UNION, TUTICORIN DISTRICT.

4 THE CORRESPONDENT, ST.PETER'S MIDDLE SCHOOL,
SUBRAMANIAPURAM, VEMBAR - 628 906,
TUTICORIN DISTRICT.

... Respondents.

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records to the impugned proceedings issued by the 2nd Respondent DEEO in Na.Ka.No.666/A/3/2012, dated 21.05.2012 and the subsequent proceedings issued by DEEO in O.Mu.No.1723/A3/2015, dated 27.07.2015 quash the same and further Direct the 2nd respondent herein to approve the appointment of the petitioner as Secondary Grade Teacher in the 4th respondent school from 14.09.2010 to 16.12.2012 (2 years, 3 months and 3 days) with salary and other attendant benefits.



For Petitioner: Mr.A.Ajith Geethan
For R1 to R3: Mrs.S.Srimathy,
Special Government Pleader.

WP (MD) . 1889/ 2018:

THE CORRESPONDENT,
R.C.MIDDLE SCHOOL, ANTHONIARPURAM,
KORAMPALLAM POST, TUTICORIN-628 101. ... Petitioner.

- Vs. -

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN RURAL @ PUDUKOTTAI,
TUTICORIN DISTRICT. ... Respondents.

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent herein vide O.Mu.No.503/A1/2017, dated 27.11.2017, Quash the same and further Direct the respondents herein to approve the appointment of M. Sophia Catherin as Secondary Grade Teacher in the petitioner school w.e.f. 03.10.2017 and disburse grant-in-aid towards salary and other attendant benefits.

For Petitioner: Mr.A.Ajith Geethan
For R1 and R2: Mrs.S.Srimathy,
Special Government Pleader.

WP (MD) . 4369/ 2018 :

E.QUBERT RANI ... Petitioner.

- Vs. -

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

2 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUCHENDUR, TUTICORIN DISTRICT.

3 THE CORRESPONDENT CARMEL MIDDLE SCHOOL,

ALANTHALAI,

<https://hcservices.ecourts.gov.in/hcservices/>

TUTICORIN DISTRICT - 628 206.

... Respondents.

**Prayer:**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent herein in Na.Ka.No.1033/Aa1/2017 dated 13.10.2017, quash the same and further direct the 1st respondent herein to approve the appointment of petitioner as BT Assistant Maths in the 3rd respondent school w.e.f., 21.11.2016 and disburse grant-in-aid towards salary and other attendant benefits

For Petitioner: Mr.A.Ajith Geethan
For R1 and R2: Mrs.S.Srimathy,
Special Government Pleader.
For R3: No Appearance

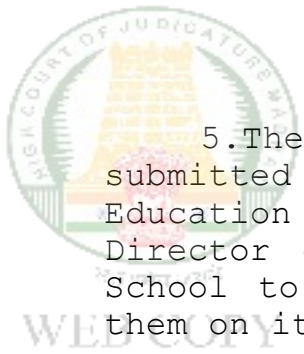
COMMON ORDER

These writ petitions have been filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings issued by the respondent authorities and further, to direct the respondent authorities to approve forthwith the appointment of the petitioners as Secondary Grade Teachers with effect from the date of their appointment and other consequential relief.

2.Since the issue involved in these writ petitions, is one and the same, they are being taken up for hearing together and disposed of by this common order.

3.It is the case of the petitioners that the respondent Schools are recognised Government Aided Minority Educational Institutions, wherein the post of Secondary Grade Teacher in the Schools fell vacant on account of the transfer of the incumbents to yet another School under the said Managements. In that vacancies, the petitioners were appointed with effect from 01.02.2002, 01.02.2002, 09.06.2010, 14.09.2010, 03.10.2017 and 21.11.2016 respectively. Thereafter, the Schools submitted proposals to the concerned authority to approve their appointments as Secondary Grade Teachers and disburse grant-in-aid towards their salary and the respondent authorities returned the proposals on the ground that there are surplus posts in other Schools under the said Management. Challenging the same, the petitioners have filed the present Writ Petitions.

4.The learned counsel appearing for the petitioners submitted that the approval sought for is only for the sanctioned staff strength and therefore, there is no surplus Teacher in the Schools. The learned counsel also submitted that a Division Bench of this Court has dealt with the very same issue in **2018 (1) Writ L.R. 421 [the Director of Elementary Education and others Vs. the Correspondent]**.



5.The learned counsel appearing for the petitioners further submitted that as per the Government Order in G.O(Ms)No.525, School Education (D1) Department, dated 29.12.1997, it is only for the Director of Elementary Education to redeploy the staff from one School to another and that the respondent School cannot redeploy them on its own.

6.The learned Special Government Pleader brought to the notice of this Court that there are surplus teachers in the Management and the same is not adhered to by the respective Management.

7.In such view of the matter, the Government authorities are directed to grant approval at the earliest. As and when approval is granted and deployment order is passed considering the surplus strength, such deployment order is to be given forthwith by the Management with immediate effect.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

cmr

To

1.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

2.The Additional Assistant Elementary
Educational Officer, Nanguneri,
Tirunelveli District.

3.THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.

4. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

5 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
SATTANKULAM UNION, TUTICORIN DISTRICT.

6 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
VILATHIKULAM UNION, TUTICORIN DISTRICT.



7 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN RURAL @ PUDUKOTTAI,
TUTICORIN DISTRICT.

8 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUCHENDUR, TUTICORIN DISTRICT.

+6CC TO MR.A.AJITH GEETHAN, Advocate Sr. No. 55714, 55715 &
55717

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 55823 TO 55828

W.P(MD)Nos.17932 of 2014, 13292 of 2015,
3267 and 3268 of 2017, 1889 and 4369 of 2018
20.03.2019

MA(CO)
TR (28.05.2019) 7P 16C