



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 4963, 4964, 4965, 4966 & 4967 of 2015

and

M.P. (MD) Nos. 1, 2 & 3 of 2015 (in all W.Ps.)

WEB COPY

T. Annamalai S/o N. Thiyagarajan, 14/2255 Buttko Swami Vattaam,
Manojappa Street, Thanjavur District.

... Petitioner in WP(MD). 4963/ 2015

S. Palaniappan S/o. Swaminathan, 43/15, West Street E.L. Palayam,
Dharasuram Post, Kumbakonam, Thanjavur District.

... Petitioner in WP(MD). 4964/ 2015

A. Rajesh Kannan S/o. Arunachalam, Valasakkadu Thiruchitrambalam,
Pattukottai, Thanjavur District.

... Petitioner in WP(MD). 4965/ 2015

P. Bhuvaneshwari (F, 35/ 15), D/o. Palanisamy, 103, Bazzar
Street, Kallakurichi, Villupuram District.

... Petitioner in WP(MD). 4966/ 2015

N. Basheer Ahamed (M, 37/ 15), S/o Noor Mohamed. S. K.S.B.
Ilolam, Chidambaram Road, Peravurani, Thanjavur District.

... Petitioner in WP(MD). 4967/ 2015

vs.

1. The State of Tamil Nadu
represented by its Principal Secretary
School Education Department
Secretariat, Fort St. George
Chennai-600 009

2. The Teachers Recruitment Board
represented by its Chairman
4th Floor, E.V.K. Sampath Maligai
College Road, Chennai-6

3. The Director
Directorate of School Education
DPI Complex, College Road
Chennai-600 006

4. The School Education Joint Director
(Vocational Education)
DPI Complex
College Road, Chennai-600 006



5.The Chief Educational Officer
Office of the Chief Educational Officer's Office
Thanjavur District, Thanjavur ... Respondents 1 to 5 in
all Petitions

WEB COPY

6.The Head Master
Government Higher Secondary School
Pachur, Thiruvarur District ...6th Respondent in
WP (MD) .4963/2015

7.The Head Master
Government Higher Secondary School
Poonthottam, Thiruvarur District ...6th Respondent in
WP (MD) .4964/2015

8.The Head Master
Government Higher Secondary School
Madukkur, Thanjavur District ...6th Respondent in
WP (MD) .4965/2015

9.The Head Master
Government Higher Secondary School
Sengipatti, Thanjavur District ...6th Respondent in
WP (MD) .4966/2015

10.The Head Master
Government (B) Higher Secondary School
Peravurani, Thanjavur District ...6th Respondent in
WP (MD) .4967/2015

Prayer in WP(MD). 4963/ 2015 :

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 cnnected with the order in Na.Ka.No. 1502V1/E2/2010 dated 24.07.2013 passed by the respondent No. 4 and quash the same as illegal, consequently directing the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school.

Prayer in WP(MD). 4964/ 2015 :

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 cnnected with the order in Na.Ka.No. 1502V1/E2/2010 dated 24.07.2013 passed by the respondent No. 4 and quash the same as illegal, consequently directing the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school.

Prayer in WP(MD). 4965/ 2015 :

<https://hcservices.ecourts.gov.in/hcservices/> 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 connected with the order in Na.Ka.No. 1502/V1/E2/2010 dated 24.07.2013 passed by the respondent No. 4 and quash the same as illegal, consequently directing the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school.

WEB COPY

Prayer in WP(MD). 4966/ 2015 :

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 connected with the order in Na.Ka.No. 1502/V1/E2/2010 dated 24.07.2013 passed by the respondent No. 4 and quash the same as illegal, consequently directing the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school.

Prayer in WP(MD). 4967/ 2015 :

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 connected with the order in Na.Ka.No. 1502/V1/E2/2010 dated 24.07.2013 passed by the respondent No. 4 and quash the same as illegal, consequently directing the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school.

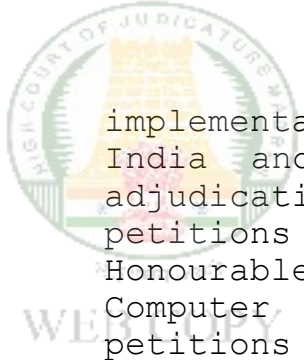
For Petitioner	:	Mr.R.Alagumani
(in all W.Ps.)		
For Respondents	:	Mrs.Srimathi
(in all W.Ps.)		Special Government Pleader

C O M M O N O R D E R

The impugned order dated 24.07.2013, passed by the fourth respondent, is sought to be quashed in the present writ petitions. Further direction is sought for to direct the respondents to reinstate the writ petitioners into service as Computer Instructors.

2. After a long legal battle, these Computer Instructors went upto the Honourable Supreme Court of India, wherein the issue was decided against them. The authorities competent, while implementing the orders of the Apex Court, passed the present impugned order dated 24.07.2013 terminating the writ petitioners from service. The impugned order is with reference to the Judgments of the Honourable Supreme Court of India, dated 19.11.2009 and 28.01.2013 and the Judgments of this Court, dated 20.12.2012, 30.04.2013 and 23.07.2013.

3. When the writ petitioners were terminated from service pursuant to the orders of the Honourable Supreme Court of India and the High Court, no writ petition can be entertained against the said orders. At the outset, the impugned order is nothing but the



implementation of the orders of the Honourable Supreme Court of India and the High Court. This being the factum, further adjudication of the grounds or issues raised in the present writ petitions are impermissible and the issues decided by the Honourable Supreme Court with reference to the continuance of the Computer Instructors cannot be re-adjudicated nor any such writ petitions can be entertained by the High Court under Article 226 of the Constitution of India. Thus, this Court has no hesitation in coming to the conclusion that the writ petitions cannot be entertained and the impugned order passed implementing the Judgments of the Honourable Supreme Court cannot be subjected to re-adjudication in a writ petition before this Court.

4. Accordingly, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To:

1. The Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
College Road, Chennai-6.
3. The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai-600 006.
4. The School Education Joint Director,
(Vocational Education),
DPI Complex,
College Road, Chennai-600 006.
5. The Chief Educational Officer,
Office of the Chief Educational Officer's Office,
Thanjavur District, Thanjavur.



6.The Head Master,
Government Higher Secondary School,
Pachur, Thiruvarur District.

7.The Head Master
Government Higher Secondary School
Poonthottam, Thiruvarur District

8.The Head Master
Government Higher Secondary School
Madukkur, Thanjavur District

9.The Head Master
Government Higher Secondary School
Sengipatti, Thanjavur District

10.The Head Master
Government (B) Higher Secondary School
Peravurani, Thanjavur District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.70450

W.P. (MD) No.4963, 4964, 4965, 4966 &
4967 of 2015
and
M.P. (MD) Nos.1, 2 & 3 of 2015 (in all
W.Ps.)
20.06.2019

KMK (CO)
TR (05.07.2019) 9P 12C