



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

WP(MD)Nos.11481 of 2017 and

4803, 13171 and 13230 of 2018

WMP(MD)Nos.12021 and 12063 of 2018

**WP(MD)No.11481 of 2017**

S.Antony Selva Pragasi

... Petitioner

Vs.

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

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

3.The Correspondent,  
St Joseph's Middle School,  
Kizhavaneri,  
Tirunelveli District - 627 117

... 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 1<sup>st</sup> respondent herein vide O.Mu.No.4603/A.2/2017 dated 29.04.2017 and quash the same and further direct the respondents herein to approve the appointment of petitioner as Secondary Grade Teacher in the 3<sup>rd</sup> respondent-school w.e.f., 18.07.2016 and disburse grant-in-aid towards salary and other attendant benefits.

**WP(MD)No.4803 of 2018**

T.Serin Soosai Mariyal

... Petitioner

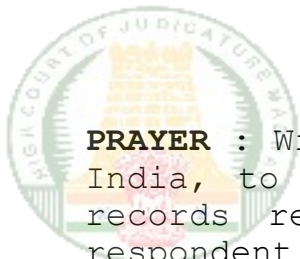
Vs.

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

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

3.The Correspondent,  
St Joseph's Middle School,  
Thambupuram, Nanguneri Taluk,  
Tirunelveli District.

... Respondents



**PRAYER :** Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2<sup>nd</sup> respondent herein vide A.Thi.Mu.252/A4/2018 dated 26.02.2018 quash the same and further direct the 1st respondent herein to approve the appointment of petitioner as Secondary Grade Teacher in the 3<sup>rd</sup> respondent school w.e.f. 18.08.2017 and disburse grant-in-aid towards salary and other attendant benefits.

**WP(MD)No.13171 of 2018**

P.Jesu Mary

... Petitioner

Vs.

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

2.The District Educational Officer,  
Manapparai, Trichy District,

3.The Block Educational Officer,  
Manapparai Union, Trichy District.

4.The Correspondent,  
St.Mary's Primary School,  
Manapparai - 621 306,  
Trichy District.

... Respondents

**PRAYER :** Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 1st respondent herein vide Na.Ka.No.4371 / Aa3 / 2015 dated 12/09/2017, quash the same and further direct the 2nd respondent herein to approve the appointment of petitioner as Secondary Grade Teacher in the 4th respondent school w.e.f., 01/06/2015 and disburse grant -in - aid towards salary and other attendant benefits.

**WP(MD)No.13230 of 2018**

I.Kiruba

... Petitioner

Vs.

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

2.The District Educational Officer,  
Manapparai,  
Trichy District,

3.The Block Educational Officer,  
Manapparai Union,  
Trichy District.



4.The Correspondent,  
St.Mary's Primary School,  
Manapparai - 621 306,  
Trichy District.

... Respondents

**PRAYER :** Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 1st respondent herein vide Na.Ka.No.845/Aa3/2017 dated 12.09.2017 quash the same and further direct the 2nd respondent herein to approve the appointment of petitioner as Secondary Grade Teacher in the 4th respondent school w.e.f. 09.08.2016 and disburse grant-in-aid towards salary and other attendant benefits.

|                |                             |
|----------------|-----------------------------|
| For Petitioner | : Mr.A.Ajith Geethan        |
| For Respondent | : Mrs.S.Srimathy,           |
| Nos.1 to 3     | Special Government Pleader. |
| For Respondent | : No appearance             |
| No.4           |                             |

**COMMON ORDER**

These writ petitions have been filed seeking to quash the impugned proceedings and consequently, direct the respondents to approve the appointment of petitioners with effect from their date of initial appointment and disburse grant-in-aid towards the salary and other attendant benefits to the petitioners.

2.It is the case of the petitioners that the schools in which the petitioners are working, are recognised as Government Aided Minority Educational Institutions, wherein the post of Secondary Grade Teachers in the Schools fell vacant for various reasons. In that vacancies, the schools, appointed the petitioners. Thereafter, the Schools submitted proposals to the concerned authority to approve their appointments and disburse grant-in-aid towards their salary and the District Elementary Educational Officer/Assistant Elementary Educational Officer/Block Educational Officer, 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.

3.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, St. Joseph's RC Primary School, Palakurichy - 621 308, Tiruchirappalli District.]**

<https://hcservices.courtservice.in/hcservices/>  
4.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 petitioners' Schools cannot redeploy them on its own.

5. 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.

6. 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.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )

To

1. The District Elementary Educational Officer,  
Tirunelveli, Tirunelveli District.
2. The Additional Assistant Elementary Educational Officer,  
Vallioor, Tirunelveli District.
3. The District Elementary Educational Officer,  
Trichy, Trichy District.
4. The District Educational Officer,  
Manapparai, Trichy District,
5. The Block Educational Officer,  
Manapparai Union, Trichy District.
6. The Additional Assistant Elementary Educational Officer,  
Nanguneri Union, Tirunelveli District.

+1 CC to SPL GP SR-53640.

+6 CC to Mr.A.AJITH GEETHAN, Advocate SR-53839.

**WP(MD) Nos.11481 of 2017 and  
4803, 13171 and 13230 of 2018  
12.03.2019**