



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.24870, 13595,4951 and 4941 of 2018

and

W.M.P(MD)Nos.22555,12381,4943 and 4918 of 2018

W.P(MD)Nos.24870 of 2018

The Correspondent,  
Sacred Heart RC Primary School,  
Kilakarai - 623 517,  
Ramanathapuram District.

..Petitioner

Vs

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

2.The Director of Elementary Education,  
College Road,  
Chennai -600 006.

3.The District Educational Officer,  
Earlier as the District Elementary Educational Officer,  
Mandapam,  
Ramanathapuram District.

4.The Block Educational Officer,  
Earlier as the Assistant Elementary Educational officer,  
Thirupullani,  
Ramanathapuram District.

..Respondents.

W.P(MD)Nos.13595 of 2018

The Correspondent,  
John De Britto Middle School,  
Puliyal - 630 312,  
Sivagangai District.

..Petitioner



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

2.The Director of Elementary Education,  
College Road,  
Chennai -600 006.

3.The District Educational Officer,  
Devakkottai,  
Sivagangai District.

4.The Additional Block Educational Officer,  
Devakkottai - 630 303,  
Sivagangai District.

..Respondents.

**W.P(MD)Nos.4941 of 2018**

The Correspondent,  
R.C.Middle School  
Mokkaiyur - 623 120,  
Ramanathapuram District.

..Petitioner

Vs

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

2.The Director of Elementary Education,  
College Road,  
Chennai -600 006.

3.The District Elementary Educational Officer,  
Ramanathapuram,  
Ramanathapuram District.

4.The Additional Assistant Elementary Educational officer,  
Kadaladi - 623 703,  
Ramanathapuram District.

..Respondents.

**W.P(MD)Nos.4951 of 2018**

The Correspondent,  
R.C.Middle School  
Mokkaiyur - 623 135,  
Ramanathapuram District.

..Petitioner



Vs

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

2.The Director of Elementary Education,  
College Road,  
Chennai -600 006.

3.The District Elementary Educational Officer,  
Ramanathapuram,  
Ramanathapuram District.

4.The Additional Assistant Elementary Educational officer,  
Kadaladi - 623 703,  
Ramanathapuram District.

..Respondents.

**Prayer in W.P(MD)No.24870 of 2018:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent/The District Educational Officer to approve forthwith the appointment of P.Ignatius as Secondary Grade Teacher in the Petitioner's school w.e.f.1.8.2013 and to disburse the arrears of salary till 14.4.2016 and other benefits from the date of appointment.

**Prayer in W.P(MD)No.13595 of 2018:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent/The District Educational Officer to approve forthwith the appointment of A.Selvamuthu as Tamil Pandit in the Petitioner's school w.e.f. 11.6.2014 and to disburse the arrears of salary till 29.2.2016 and other benefits from the date of appointment.

**Prayer in W.P(MD)No.4941 of 2018:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent/The District Elementary Educational Officer to approve forthwith the appointment of A.Lucas as Secondary Grade Teacher in the Petitioner's school w.e.f. 12.6.2013 and to disburse the arrears of salary till 28.4.2016 and other benefits from the date of appointment.

**Prayer in W.P(MD)No.4951 of 2018:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent/The District Elementary Educational Officer to approve forthwith the





the Petitioners' schools had committed wrong by appointing new teachers, when there are already surplus teachers in their management and therefore, these Writ Petitions are liable to be dismissed.

5. In support of his claim, the learned counsel for the Petitioners placed reliance on decision made in **W.P (MD) No. 21564 of 2016, dated 15.11.2016 and W.P (MD) No. 8789 of 2018, dated 20.4.2018 and a decision in (2017) 3 MLJ 243 in the case of State of Tamil Nadu .vs. Arivalagan**, wherein, it is observed that the appointment of the Petitioners therein shall be approved forthwith and if any surplus teachers are there in the said schools, they shall be deployed to the needy schools.

6. Finally, the learned counsel for the Petitioners also placed reliance on yet another unreported decision of this Court made in **W.P (MD) No. 2894 of 2018, dated 21.2.2018**, wherein, at paragraph 4 it is held as follows:

*''4.....Therefore in view of the decision of the Honourable Division Bench reported in (2016) 7 MLJ 155 and that of the Honourable Supreme Court in (2017) 1 SCC 322, the third respondent is directed to approve forthwith the appointment of A. Lawrence as Secondary Grade Teacher in the Petitioner/School with effect from 6.6.2015. The salary for the said appointee for the period from 6.6.2015 to 31.7.2016 shall also be disbursed within a period of eight weeks from today.''*

Thus, the learned counsel submitted that the issue involved herein is covered by the aforesaid order, which has been agreed by the learned Special Government Pleader appearing for the respondents.

7. Following the aforesaid order, these Writ Petitions are disposed of, on the similar lines. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,  
Department of School Education,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai - 600 009.



2.The Director of Elementary Education,  
College Road,  
**Chennai -600 006.**

3.The District Elementary Educational Officer,  
Ramanathapuram,  
Ramanathapuram District.

4.The Additional Assistant Elementary Educational officer,  
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5.The District Educational Officer,  
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6.The Additional Block Educational Officer,  
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8.The Block Educational Officer,  
Earlier as the Assistant Elementary Educational officer,  
Thirupullani,  
**Ramanathapuram District.**

**+4 CC to M/s.ISAAC CHAMBERS, Advocate ( SR-53873,53872,53874,53875  
[F] dated 14/03/2019 )**

+1 CC to M/s.SPL GP ( SR-53946[F] dated 14/03/2019 )

VSN

**W.P (MD) Nos.24870, 13595,  
4951 and 4941 of 2018**

**and  
W.M.P (MD) Nos.22555,12381,  
4943 and 4918 of 2018  
13.03.2019**

KM/(12.04.2019) 6P 14C