



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

WEB COPY

**W.P(MD)Nos.15334, 15335 of 2017, 2580 of 2018, 345 & 509 of 2019
and W.M.P(MD)Nos.12146 to 12149 of 2017, 2775, 2776 of 2018, 281,
426 and 427 of 2019**

W.P(MD)No.15334 of 2017:-

The Correspondent,
St.Antony's Primary School,
Kalladithidal,
Anandur (via),
Sivagangai District.

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road, Chennai - 600 006.
 2. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.
 3. The Assistant Elementary Educational Officer,
Illayangudi, Sivagangai District.
- ... Respondents

PRAYER IN W.P(MD)No.15334 of 2017: 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 second respondent/District Elementary Education Officer in O.Mu.No.5011/A5/2016, dated 23.12.2016 and the consequential proceeding of the third respondent/Assistant Elementary Educational Officer in Na.Ka.No.569/A1/2016, dated 04.12.2016, quash the same and further direct the second respondent/District Elementary Educational Officer to approve forthwith the appointment of A.Johnson Irudhyaraj as Secondary Grade Teacher in the petitioner's School with effect from the date of his appointment viz., 16.06.2016 and disburse grant-in-aid towards the salary and other attendant benefits.

WP(MD)No.15335 OF 2017:

THE CORRESPONDENT,
ST.ANTONYS PRIMARY SCHOOL, KALLADITHIDAL,
ANANDUR VIA, SIVAGANGAI DISTRICT - 623 401.

... Petitioner



1 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI - 06.

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

3 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ILLAYANKUDI, SIVAGANGAI DISTRICT.

... Respondents

Prayer in WP(MD). 15335/ 2017 : 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 Assistant Elementary Education Officer in A.Thi.Mu.No.595/A1/2017 dated 22.08.2017, quash the same and further Direct the 2nd respondent District Elementary Educational Officer to approve forthwith the appointment of A.Arul Jothi as Secondary Grade Teacher in the petitioners school w.e.f., the date of her appointment viz. 16.06.2016 and disburse grant-in-aid towards the salary and other attendant benefits.

WP(MD)NO.2580 OF 2018:

THE CORRESPONDENT,
BRITTO PRIMARY SCHOOL, KALLAL-630 305.
SIVAGANGAI DISTRICT.

... Petitioner

- Vs. -

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

2 THE DISTRICT OF ELEMENTARY EDUCATIONAL OFFICER,
SIVAGANGAI, SIVAGANGAI DISTRICT.

3 THE ASST.ELEMENTARY EDUCATIONAL OFFICER,
KALLAL, SIVAGANGAI DISTRICT.

... Respondents

Prayer in WP(MD). 2580/ 2018 : 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 Asst.Elementary Education Officer in A.Thi.Mu.No.1360/a1/2017 dt.16/08/2017 and the subsequent proceedings in A.Thi.Mu.No.1528/a1/2017 dt.03/10/2017, quash the same and further direct the 2nd respondent Asst.Elementary Education Officer to approve forthwith the appointment of I.Joseph as Secondary Grade Teacher in the petitioners school namely Britto Primary School kallal w.e.f.28.06.2017 and disburse the grant-in-aid



towards her salary and allowances w.e.f. the said date with all attendant benefits.

WP(MD)No.345 OF 2019

THE CORRESPONDENT

R.C.PRIMARY SCHOOL, THIRUSILUVAIPURAM,
KAMUTHI- 623603, RAMANATHAPURAM DISTRICT

... Petitioner

- Vs. -

1 THE STATE OF TAMILNADU

REP.BY ITS SECRETARY, DEPT. OF SCHOOL EDUCATION,
FORT ST.GEORGE, CHENNAI-09

2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-09

3 THE DISTRICT EDUCATIONAL OFFICER,
EARLIER AS THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT

4 THE BLOCK EDUCATIONAL OFFICER,
EARLIER AS THE ADDL. ASST. ELEMENTARY EDUCATIONAL OFFICER,
KAMUTHI-04, RAMANATHAPURAM DISTRICT

... Respondents

Prayer in WP(MD). 345/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the 3rd respondent District Educational Officer to approve forthwith the appointment of M.Arulandu as Secondary Grade teacher in the petitioners school w.e.f. 15.06.2017 and disburse the grant-in-aid towards his salary and allowance w.e.f. the said date.

WP(MD)No.509 OF 2019:

M.SAHAYA RANI, SECONDARY GRADE TEACHER,
R.C.MIDDLE SCHOOL PANANGUDI,
NATARAJAPURAM-623 555, SIVAGANGAI DIST.

... Petitioner

- Vs. -

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

2 THE DISTRICT EDUCATIONAL OFFICER,
EARLIER AS THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.



3 THE BLOCK EDUCATIONAL OFFICER
EARLIER AS THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER, R.S.MANGALAM,
RAMANATHAPURAM DISTRICT.

WEB COPY

4 THE CORRESPONDENT,
SACRED HEART PRIMARY SCHOOL,
IRUDHAYAPURAM-623 525,
RAMANATHAPURAM DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER,
EARLIER AS THE DISTRICT
ELEMENTARY EDUCATIONAL OFFICER,
THIRUPATHUR, SIVAGANGAI DISTRICT.

6 THE BLOCK EDUCATIONAL OFFICER,
EARLIER AS THE ADDITIONAL ASSISTANT
ELEMENTARY EDUCATIONAL OFFICER,
KALLAL, SIVAGANGAI DISTRICT.

7 THE CORRESPONDENT, R.C.MIDDLE SCHOOL,
PANANGUDI, NATARAJAPURAM-623 555,
SIVAGANGAI DISTRICT.

... Respondents

Prayer in WP(MD). 509/ 2019 : 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 Block Educational Officer in O.Mu.No.937/a1/18 signed on 24.11.2018, Quash the Same and further Direct the 2nd respondent District Educational Officer, Ramanathapuram to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the 4th respondent school from 21.06.2017 to 05.06.2018 and further direct the 5th Respondent District Educational Officer Thirupathur to approve forthwith the appointment of the petitioner form 06/06/2018 in the 7th Respondent School and disburse the grant in aid towards her salary and allowance w.e.f., the said date.

For Petitioner : Ms.A.Amala
in all the Petitions for M/s.Isaac Chambers

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

In WP(MD)Nos.15334,15335 of 2017,
2580 of 2018 and 345 of 2019, and
Respondents 1 to 6 in WP(MD)No.509 2019

**COMMON ORDER**

W.P(MD)Nos.15334, 15335 of 2017, 2580 of 2018 and 509 of 2019 have been filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings issued by the second respondent and the consequential proceedings issued by the third respondent and further, to direct the second respondent to approve forthwith the appointment of A.Johnson Irudhyaraj, A.Arul Jothi, I.Joseph and Sahaya Rani as Secondary Grade Teachers with effect from the date of their appointment and other consequential relief.

2.W.P(MD)No.345 of 2019 has been filed seeking issuance of a Writ of Mandamus, to direct the third respondent to approve forthwith the appointment of M.Arulandu as Secondary Grade Teacher in the petitioner's School with effect from 15.06.2017 and other consequential reliefs.

3.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.

4.It is the case of the petitioners that the petitioners' Schools are recognised as 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 Schools under the said Management. In that vacancies, the Schools have appointed A.Johnson Irudhyaraj, A.Arul Jothi, I.Joseph, M.Sahaya Rani and M.Arulandu with effect from 16.06.2016, 16.06.2016, 28.06.2017, 21.06.2017 and 15.06.2017 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 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.

5.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.]**

6.The learned counsel appearing for the petitioners further submitted that 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



Schools to another and that the petitioners' Schools cannot redeploy them on its own.

7.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.

8.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.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

ps

To

1. THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.
2. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
SIVAGANGAI, SIVAGANGAI DISTRICT.
3. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ILLAYANGUDI, SIVAGANGAI DISTRICT.
- 4.THE SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI 600 009.
- 5.THE DISTRICT EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 6.THE BLOCK EDUCATIONAL OFFICER,
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 7.THE DISTRICT EDUCATIONAL OFFICER,
RAMANATHAPURAM DISTRICT.



8.THE DISTRICT EDUCATIONAL OFFICIER,
THIRUPATHUR, SIVAGANGAI DISTRICT.

9.THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
KALLAL, SIVAGANGAI DISTRICT.

10.THE BLOCK EDUCATIONAL OFFICER,
KALLAL, SIVAGANGAI DISTRICT.

11.THE BLOCK EDUCATIONAL OFFICER,
R.S.MANGALAM, RAMANATHAPURAM DISTRICT.

3CC'S TO M/S.ISSAC CHAMBERS, ADVOCATE SR 52741,52744, 52743

1CC TO THE SPL GOVT PLEADER SR 52669, 52661 AND 52658

+2.CC. To M/S.A.AMALA, Advocate in SR Nos.52540, 52541

MK

15/05/2019

7P / 18C

**W.P(MD)Nos.15334, 15335 of 2017,
2580 of 2018, 345 & 509 of 2019**

07.03.2019