



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

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W.P (MD) Nos.18789, 18854, 23658 & 23659 of 2017,
42, 4133 and 6755 of 2018

and

WMP (MD) Nos.15211, 19875, 19876 of 2017 and 38 of 2018

K.ANTO ARUL LOUCIYA	... Petitioner in WP(MD). 18789/ 2017
JOHN SOBITHA,	... Petitioner in WP(MD). 18854/ 2017
F.KUZHANTHAI TERESE THILAGA	... Petitioner in WP(MD). 23658/ 2017
R.RAJA PUSHPA LENCY	... Petitioner in WP(MD). 23659/ 2017
G.SUMATHI THANGAPACKIAM,	... Petitioner in WP(MD). 42/ 2018
G.JOHN GODWIN,	... Petitioner in WP(MD). 4133/ 2018
B.STANLEY JESPER	... Petitioner in WP(MD). 6755/ 2018

- Vs. -

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI.

2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
RADHAPURAM, TIRUNELVELI DISTRICT.

3 THE CORRESPONDENT, ST.JOSEPHS PRIMARY SCHOOL,
KUTHENKULY TIRUNELVELI DISTRICT.

... Respondents in WP(MD) Nos. 18789, 23658, 23659 of 2017

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI.

2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
RADHAPURAM, TIRUNELVELI DISTRICT.

3 THE CORRESPONDENT, ST.THERESAS PRIMARY SCHOOL,
KUTHENKULI, TIRUNELVELI DISTRICT.

... Respondents in WP(MD) No. 18854/ 2017



1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI.

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

3 THE CORRESPONDENT, T.D.T.A.PRIMARY SCHOOL,
PERUBATH, TIRUNELVELI DISTRICT.

... Respondents in WP(MD)No. 42/ 2018

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI.

2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
PALAYAMKOTTAI URBAN, TIRUNELVELI DISTRICT.

3 THE CORRESPONDENT, T.D.T.A.MIDDLE SCHOOL,
MANARKADU, TIRUNELVELI DISTRICT.

... Respondents in WP(MD)No. 4133/ 2018

1 THE DIRECTOR OF ELEMENTARY EDUCATION,
CHENNAI

2 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT

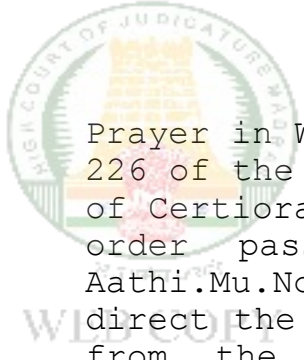
3 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
RADHAPURAM, TIRUNELVELI DISTRICT

4 THE CORRESPONDENT TDTA MIDDLE SCHOOL, MADATHACHAMPADDU,
TISAYANVILAI, TIRUNELVELI DISTRICT

... Respondents in WP(MD)No. 6755/ 2018

Prayer in WP(MD). 18789/ 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondents to approve the appointment of the petitioner from the date of appointment i.e., 24.07.2009 and confer all the consequential benefits.

Prayer in WP(MD). 18854/ 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 pertaining to the order passed by the 2nd respondent in his proceedings O.Mu.No.127/A1/2014 dated 05.05.2014 and Quash the same, and direct the respondents to approve the appointment of the petitioner from the date of appointment i.e., 28.01.2008 and to release the salary till 03.10.2016 and confer all the consequential benefits.



Prayer in WP(MD). 23658/ 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 pertaining to the order passed by the 2nd respondent in his proceedings in Aathi.Mu.No.856/A2/2017 dated 19.10.2017 and quash the same and direct the respondents to approve the appointment of the petitioner from the date of appointment i.e. 24.07.2017 with all the consequential benefits.

Prayer in WP(MD). 23659/ 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 pertaining to the order passed by the 2nd respondent in his proceedings in Aathi.Mu.No.852/A2/2017 dated 19.10.2017 and quash the same and direct the respondents to approve the appointment of the petitioner from the date of appointment i.e. 24.07.2017 with all the consequential benefits.

Prayer in WP(MD). 42/ 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 pertaining to the order passed by the 2nd respondent in his proceedings in Aathi.Mu.No.1852/A4/2017 dated 24.10.2017 and Quash the Same, and direct the respondents to approve the appointment of the petitioner from the date of appointment i.e., 09.10.2015 with all the consequential benefits.

Prayer in WP(MD). 4133/ 2018 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to approve the appointment of the petitioner as Tamil Pandit from the date of appointment i.e., 22/06/2016 with all the consequential benefits as per the proposal submitted by the 3rd respondent dated 29/12/2017 .

Prayer in WP(MD). 6755/ 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 pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.1909/A1/18 dated 15.03.2018 and quash the same and direct the respondents to approve the appointment of the petitioner as B.T.Assistant from the date of appointment i.e. from 05.01.2018 with all monetary benefits.

For Petitioner : Mr.V.Panneer Selvam

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

**COMMON ORDER**

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W.P (MD) Nos.18854, 23658 and 23659 of 2017 and 42 and 6755 of 2018 have been filed to quash the impugned proceedings issued by the second and third respondents respectively and consequently direct respondents to approve forthwith the appointment of the petitioners as Secondary Grade Teachers and B.T.Assistant with effect from the date of their appointments with all monetary benefits.

2.W.P (MD) Nos.18789 of 2017 and 4133 of 2018 have been filed seeking a direction to the respondents to approve forthwith the appointment of the petitioners as Secondary Grade Teacher and Tamil Pandit respectively in the third respondent School with effect from the date of their appointments with all consequential benefits.

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 respective respondents schools are recognised as Government Aided Minority Educational Institutions, wherein the posts of Secondary Grade Teacher, Tamil Pandit and B.T.Assistant respectively fell vacant on account of the retirement/transfer/resignation of the incumbents concerned. In that vacancies, the petitioners were appointed as Secondary Grade Teachers, Tamil Pandit and B.T.Assistant with effect from 24.07.2009, 28.01.2008, 24.07.2017, 09.10.2015, 22.06.2016, 05.01.2018 and 01.12.2014 respectively. Thereafter, the respective respondents schools submitted proposals to the concerned authority to approve their appointments and disburse grant-in-aid towards their salary. However, some of the proposals were returned on the ground that there are surplus posts in other Schools under the same Management, whereas some of the proposals were pending without consideration. Hence, the petitioners are before this Court seeking the aforementioned relief.

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, Tiruchirapalli District.)**



6.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 respective respondents schools cannot redeploy them on its own.

7.The learned Special Government Pleader appearing for the respondents 1 and 2 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.However, considering the fact that the issue involved in these writ petitions had already been decided by this Court in a number of cases, the Government authorities are directed to grant approval to the petitioners at the earliest. As and when the 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, WMP(MD)Nos.15211, 19875, 19876 of 2017 and 38 of 2018 are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1 THE DIRECTOR OF ELEMENTARY EDUCATION,
CHENNAI

2 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI.



3 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
RADHAPURAM, TIRUNELVELI DISTRICT.

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

5 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
RADHAPURAM, TIRUNELVELI DISTRICT.

6 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
PALAYAMKOTTAI URBAN, TIRUNELVELI DISTRICT.

7CC'S TO MR. V. PANNEER SELVAM, ADVOCATE

SR 54788, 54789, 54790 ,54786, 54787, 54793 and 54791.

1CC TO THE SPL GOVT PLEADER SR 54604, 54609, 54610, 54611, 54614.

DS

15/04/2019

6P 15C

W.P (MD) Nos.18789, 18854, 23658 & 23659 of 2017,
42, 4133 and 6755 of 2018