



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) Nos.1136 to 1140 and 1613 of 2018

and

C.M.P. (MD) Nos.8109 to 8116 and 11731 of 2018

W.A. (MD) No.1136 of 2018:

- 1.The Director of Elementary School Education,
D.P.I. Campus, College Road, Chennai.
- 2.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
- 3.The Assistant Elementary Educational Officer,
Alangulam Range, Tirunelveli District.

: Appellants/Respondents 1 to 3

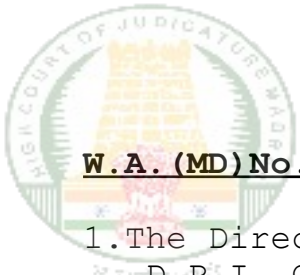
Vs.

1.R.Brintha : 1st respondent/writ petitioner

2.The Correspondent,
T.D.T.A. Primary School,
Keelapattamudayarpuram,
Kuruvankottai (P.O.),
Tirunelveli District. : 2nd respondent/4th respondent

PRAYER: Writ Appeal is filed Clause 15 of Letters Patent Act, against the order dated 23.11.2016 made in WP(MD)No.22489 of 2016.

Prayer in WP(MD). 22489/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd respondents to approve the appointment of the petitioner as secondary grade teacher in the 4th respondent school from the date of appointment i.e., from 25.2.2015 and confer all the consequential benefits.

**W.A. (MD) No.1137 of 2018:**

- 1.The Director of Elementary School Education,
D.P.I. Campus, College Road, Chennai.
- 2.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
- 3.The Assistant Elementary Educational Officer,
Valliyur Range, Tirunelveli District.

: Appellants/Respondents 1 to 3

Vs.

- 1.S.Punitha Selvi : 1st respondent/writ petitioner
- 2.The Correspondent,
T.D.T.A. Primary School,
Valliyammalpuram,
Tirunelveli District. : 2nd respondent/4th respondent

PRAYER: Writ Appeal is filed Clause 15 of Letters Patent Act, against the order dated 23.11.2016 made in WP(MD)No.22490 of 2016.

Prayer in WP(MD). 22490/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd respondents to approve the appointment of the petitioner as secondary grade teacher in the 4th respondent school from the date of appointment i.e., from 05.12.2014 and confer all the consequential benefits.

W.A. (MD) No.1138 of 2018:

- 1.The Director of Elementary School Education,
D.P.I. Campus, College Road, Chennai.
- 2.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
- 3.The Assistant Elementary Educational Officer,
Kadayam Range, Tirunelveli District.

: Appellants/Respondents 1 to 3

Vs.



1.T.Joseph Thesing Raja

:1st respondent/writ petitioner

2.The Correspondent,
T.D.T.A. Middle School,
Pulavanur,
Tirunelveli District.

: 2nd respondent/4th respondent

PRAYER: Writ Appeal is filed Clause 15 of Letters Patent Act, against the order dated 23.11.2016 made in WP(MD)No.22491 of 2016.

Prayer in WP(MD) . 22491/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd respondents to approve the appointment of the petitioner as secondary grade teacher in the 4th respondent school from the date of appointment i.e., from 05.12.2014 and confer all the consequential benefits.

W.A. (MD)No.1139 of 2018:

1.The Director of Elementary School Education,
D.P.I. Campus, College Road, Chennai.

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

3.The Assistant Elementary Educational Officer,
Melaneelithanallur Range, Tirunelveli District.

: Appellants/Respondents 1 to 3

Vs.

1.G.Perinbha Sangeetha

:1st respondent/writ petitioner

2.The Correspondent,
T.D.T.A. Middle School,
Sevarkulam,
Tirunelveli District.

: 2nd respondent/4th respondent

PRAYER: Writ Appeal is filed Clause 15 of Letters Patent Act, against the order dated 23.11.2016 made in WP(MD)No.22492 of 2016.

Prayer in WP(MD) . 22492/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd respondents to approve the appointment of the petitioner as secondary grade teacher in the 4th respondent school from the date of appointment i.e., from 05.12.2014 and confer



all the consequential benefits.

W.A. (MD) No.1140 of 2018:

- 1.The Director of Elementary School Education,
D.P.I. Campus, College Road, Chennai.
- 2.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
- 3.The Assistant Elementary Educational Officer,
Alangulam Range, Tirunelveli District.

: Appellants/Respondents 1 to 3

Vs.

- 1.S.Maria Stella :1st respondent/writ petitioner
- 2.The Correspondent,
T.D.T.A. Middle School,
Parankudarapuram,
Tirunelveli District. : 2nd respondent/4th respondent

PRAYER: Writ Appeal is filed Clause 15 of Letters Patent Act, against the order dated 23.11.2016 made in WP(MD)No.22493 of 2016.

Prayer in WP(MD). 22493/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd respondents to approve the appointment of the petitioner as secondary grade teacher in the 4th respondent school from the date of appointment i.e., from 05.12.2014 and confer all the consequential benefits.

W.A. (MD) No.1613 of 2018:

- 1.The Director of Elementary School Education,
D.P.I. Campus, College Road, Chennai.
- 2.The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
- 3.The Assistant Elementary Educational Officer,
Maanur Range, Tirunelveli District.

: Appellants/Respondents 1 to 3



Vs.

1.M.Devadasan

:1st respondent/writ petitioner

2.The Correspondent,
T.D.T.A. Middle School,
Vadakku Vaagaikulam,
Tirunelveli District.

: 2nd respondent/4th respondent

PRAYER: Writ Appeal is filed Clause 15 of Letters Patent Act, against the order dated 17.03.2017 made in WP(MD)No.22844 of 2016.

Prayer in WP(MD). 22844/ 2016 : 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 A.THI.MU.No.362, dated 18.03.2015 and quash the same, and direct the respondents to approve the appointment of the petitioner from the date of appointment i.e. from 05.12.2014 and confer all the consequential benefits.

For Appellants in
all Writ Appeals : Mrs.S.Srimathy

For R-1 in
all Writ Appeals : Mr.S.Chellapandian

For R-2 in all
Writ Appeals : Mr.R.Vinoth

COMMON JUDGMENT

[Judgment of the Court was delivered by **K.RAVICHANDRABAABU, J.**]

These writ appeals are filed challenging the common order passed by the Writ Court in W.P.(MD)Nos.22489 to 22493 of 2016 dated 23.11.2016 and W.P.(MD)No.22844 of 2016, dated 17.03.2017.

2.The appellants are the respondents 1 to 3/educational authorities before the writ court. The writ petitions were filed by the respective teachers seeking for Mandamus directing the concerned educational authority to approve their appointment as Secondary Grade Teacher in the fourth respondent School, which are all coming under the same Corporate Management. The only objection raised by the educational authority for not approving the appointment of those



teachers was that the individual school is having surplus teachers and therefore, without deploying those surplus teachers to other needy school within their Corporate Management, the approval of appointment of the petitioners cannot be considered.

3. The writ Court after hearing both sides, disposed the writ petitions by directing the authorities to consider the proposal sent by the respective school seeking for approval of the appointment as Secondary Grade Teachers in the light of the order passed in W.A. (MD) No. 639 of 2015, dated 17.06.2015. The Writ Court while disposing the writ petitions, also observed that even assuming that there are excess teachers, that cannot be a ground for declining approval of the appointments. The said order of the Writ Court is put to challenge in these writ appeals again, by contending that the surplus teachers in each school are not deployed to other needy school within the Corporate Management and therefore, the Writ Court was not justified in directing the second respondent/second appellant to consider the proposal for approval of the appointment. However, when the writ appeals are taken up for hearing earlier, it was informed that the surplus teachers in each school have already been deployed to other needy schools within the Corporate Management and therefore, the educational authorities can consider for granting approval.

4. Today, when the matter is taken up for further hearing, the learned counsel appearing for the respondents in these writ appeals submitted that surplus teachers in each school were already deployed to other needy schools and such deployment was also approved by the department.

5. The learned Special Government Pleader is not disputing the said fact and on the other hand, produced the copy of the proceedings indicating that the deployment was made and that it is also by the Department. Therefore, she fairly submitted that the grounds raised in these writ appeals do not survive any more and therefore, these writ appeals may be disposed of by recording the subsequent development as stated supra.

6. The only grievance expressed by the educational authorities for not approving the appointment of the individual writ petitioners is that the school management has not deployed the surplus teachers to other needy schools. Now, in view of the above stated subsequent developments, such objection of the educational authorities does not survive any more. Therefore, we find that these writ appeals can be closed by taking note of those developments thereby directing the appellants to comply with the order of the writ Court within a period of four weeks.



7. Accordingly, these writ appeals are disposed of by directing the appellants to comply with the orders of the Writ Court within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

Rj2

TO

1. THE DIRECTOR OF ELEMENTARY SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI.
2. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT. TIRUNELVELI.
3. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ALANGULAM RANGE, TIRUNELVELI DISTRICT.
4. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
VALLIYUR RANGE, TIRUNELVELI DISTRICT.
5. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
KADAYAM RANGE, TIRUNELVELI DISTRICT.
6. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
MELANEELITHANALLUR RANGE, TIRUNELVELI DISTRICT.
7. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
MANUR RANGE, TIRUNELVELI DISTRICT.

2CC'S TO MR.S.CHELLAPANDIAN, ADVOCATE SR 73890 AND 73891

2CC'S TO THE SPL GOVT PLEADER SR 74002 AND 74004

TR

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