



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) Nos.818 and 819 of 2019

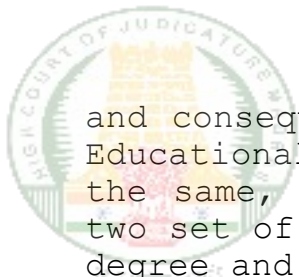
S.Kalista Mary ... Appellant/Petitioner
in W.A.(MD) No.818/2019
G.Maria Selvarani ... Appellant/Petitioner
in W.A. (MD) No.819/2019

-vs-

- 1.The Director of School Education,
College Road, Chennai - 600 006.
... Respondents 1 & 2 in both appeals
- 2.The District Educational Officer,
Tiruchendur,
Tuticorin, Tuticorin District.
... 3rd Respondent/Respondent
in W.A. (MD) No.818/2019
- 3.The Correspondent,
St.Anne's High School,
Thattarmadam,
Tuticorin District - 628 653.
... 3rd Respondent/Respondent
in W.A. (MD) No.819/2019
- 3.The Correspondent,
St. Xavier's High School,
T. Saveriarpuram,
Tuticorin - 628 002.
... 4th Respondent in both appeals
- 4.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

Writ Appeals filed under Clause 15 of Letters Patent against the common order dated 01.07.2019, made in W.P.(MD) Nos.14085 and 11046 of 2015, on the file of this Court.

Prayer in WP(MD). 14085/ 2015 : 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 4th respondent herein vide G.O.Ms.No.944 Education (D2) Department dated 29.07.1989



and consequential proceedings issued by the 2nd respondent District Educational officer in O.Mu.No. 1924/A5/14 dated 08.05.2015 quash the same, and further Direct the 2nd respondent herein to sanction two set of incentive increments to the petitioner for acquiring B.Ed degree and M.A Degree w.e.f., 17.07.2012.

Prayer in WP(MD). 11046/ 2015 :

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 4th respondent herein vide G.O.Ms.No.944 Education (D2) Department dated 29.07.1989 and consequential proceedings issued by the 2nd respondent District Educational Officer vide O.Mu.No.1299/Aa4/15 dated 18.05.2015 quash the same and further direct the 2nd respondent for acquiring B.Ed degree w.e.f. 27.12.2011.

For Appellant in both appeals	: Mr.E.V.N.Siva for M/s.A.Ajith Geethan
For Respondents 1, 2, & 4 in both appeals	: Mrs.S.Srimathy Special Government Pleader
For 3 rd Respondent in both appeals	: Fr.V.John Kennady

COMMON JUDGMENT

[Common Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.E.V.N.Siva, learned counsel, who represents Mr.A.Ajit Geethan, learned counsel appearing for the appellant, Mrs.S.Srimathi, learned Special Government Pleader appearing for the respondents 1, 2 and 4 and Fr.V.John Kennady, learned counsel for the 3rd respondent, in both appeals.

2.Since the issue involved in these Writ Appeals are one and the same and these Writ Appeals arise out a common order, they are taken up together for disposal. By consent on either side, these Writ Appeals are taken up for final disposal.

3.These Writ Appeals have been filed challenging the common order dated 01.07.2019. On going through the order passed in the Writ Petitions, we find that the learned Single Bench has dismissed the said Writ Petitions stating that the order passed by the District Educational Officer is in consonance with G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989. However, it appears that the appellants also challenged the said Government Order.

4.Therefore, we are of the view that the Writ Petitions have to be disposed of afresh after counter affidavit is filed by the Government, because the Government Order has been challenged in



those Writ Petitions and the Secretary, Department of School Education, State of Tamil Nadu has been impleaded as 4th respondent therein.

5. In the light of the above, the Writ Appeals are allowed and the common order dated 01.07.2019, made in W.P.(MD) Nos.14085 and 11046 of 2015 is set aside and the Writ Petitions in W.P.(MD) Nos.14085 and 11046 of 2015 are restored to file for hearing afresh and the Registry is directed to post W.P.(MD) Nos.14085 and 11046 of 2015 for hearing before the appropriate Bench during the week commencing from 14.10.2019. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of School Education,
College Road, Chennai - 600 006.
2. The District Educational Officer,
Tuticorin, Tuticorin District.
3. The District Educational Officer,
Tiruchendur,
Tuticorin, Tuticorin District.
4. The Secretary,
Department of School Education,
State of Tamil Nadu,
Fort St. George, Chennai - 600 009.

+2 CC to M/s.FATHER XAVIER ASSOICTES, Advocate (SR-87358, 87357[F] dated 18/09/2019)

+1 CC to Mr.A.AJITH GEETHAN, Advocate (SR-87426[F] dated 18/09/2019)

+1 CC to SPL GP (SR-87587[F] dated 18/09/2019)

W.A. (MD) Nos.818 and 819 of 2019

17.09.2019

sj

MK (26.09.2019) 3P 9C