



WEB COPY

W.A.(MD)No.1520 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2019

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THE HONOURABLE MR.JUSTICE M.DURAIWAMY

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A. (MD)Nos.1520 to 1522 of 2019

and

W.M.P (MD)Nos. 12150 to 12152 of 2019

W.A. (MD)No.1520 of 2019

Rayagiri Thiru.C.P.Athithanar Girls High School,
represented by its Secretary,
Sangu Nadar. ... Appellant/Petitioner
Vs.

1.C.Jaya ...1st Respondent/3rd Respondent

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

3.The District Educational Officer,
Tenkasi,
Tirunelveli District. ... Respondents 2&3/Respondents 1&2

Prayer : Appeal filed under Clause 15 of the Leter Patent against
the common order passed n W.P.(MD)No.9574 of 2010, dated
27.11.2018.

Prayer in WP(MD). 9574/ 2010 :

Writ Petition filed under Article 226 of the Constitution
of India, to issue a WRIT OF CERTIORARI, calling for the records
of the 1st Respondent issued in his proceedings
Na.Ka.No.5847/B2/2010 dated 21-0-2010 and quash the same.

W.A. (MD)No.1521 of 2019

Rayagiri Thiru.C.P.Athithanar Girls High School,
represented by its Secretary,
Sangu Nadar. ... Appellant/Petitioner
Vs.

1.C.Jaya ...1st Respondent/3rd Respondent

<https://hcservices.ecourts.gov.in/hcservices/>



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

3.The District Educational Officer,
Tenkasi,
Tirunelveli District. ... Respondents 2&3/Respondents 1&2

Prayer : Appeal filed under Clause 15 of the Leter Patent against the common order passed n W.P.(MD)No.15206 of 2011, dated 27.11.2018.

Prayer in WP(MD). 15206/ 2011 :

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in Na.Ka.No.5847/ Aa 3/2011 dated 11.10.2011 and quash the same as illegal, invalid, contrary to law laid down by this Honourable Court and has violated the principles of natural justice.

W.A. (MD)No.1522 of 2019

Rayagiri Thiru.C.P.Athithanar Girls High School,
represented by its Secretary,
Sangu Nadar. ... Appellant/Petitioner
Vs.

1.C.Jaya ..1st Respondent/4th Respondent

2.The Joint Director of School Education(Secondary)
Directorate of School Education
College Road, Chennai

3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

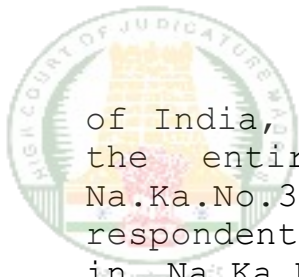
4.The District Educational Officer,
Tenkasi,
Tirunelveli District.

... Respondents 2 to 4/Respondents 1 to 3

Prayer : Appeal filed under Clause 15 of the Leter Patent against the common order passed n W.P.(MD)No.9938 of 2007, dated 27.11.2018.

Prayer in WP(MD). 9938/ 2007 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition filed under Article 226 of the Constitution



of India, to issue a writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order in Na.Ka.No.32215/G2/E1/07 dated 13.9.2007 passed by the 1st respondent and confirming the order of the 2nd respondent passed in Na.Ka.No.3349/A2/05 dated 3.4.2007 and quash the same and directing the respondents to grant permission for the disciplinary action to dismiss Tmt.Jaya, Secondary Grade Teacher on the basis of the petitioner s proposal dated 25.4.2005.

For Appellant
in all appeals : Mr.S.Chellapandian

For Respondents : Mrs.S.Srimathy
Special Government Pleader
for R.2 and R.3 in WA(MD)
Nos.1520&1521/2019 and
R2 to R4 in WA(MD)No.1522/2019
: Mr.V.Panneer Selvam
for R.1 in all Appeals

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COMMON JUDGMENT

[Judgment of the Court was made by **M.DURAISWAMY, J.**]

By a common order dated 27.11.2018, the learned Single Judge dismissed the writ petition in W.P.(MD)No.9938 of 2007, allowed the writ petition in W.P.(MD)No.15206 of 2011 and disposed of the writ petition in W.P.(MD)No.9574 of 2010 by modifying the impugned order.

2. Challenging the common order passed by the learned Single Judge, the School Management has filed the above writ appeals.

3. On a perusal of the common order, which is under challenge in these writ appeals, it could be seen that the learned Counsel appearing for the School Management consented for reinstating the teacher in service and they have also given an undertaking that the issue can be given a quietus. It would be appropriate to extract paragraph No.12 of the order which reads as follows:

"12. The learned Counsel appearing for the School Management submitted that they shall reinstate the teacher in service forthwith without any delay. They also give an undertaking that the issue can be given a quietus. The events date back to the year 2003. More



than 15 years have gone by. The teacher must have suffered considerably. In the meanwhile, the husband is said to have filed an insolvency petition. This Court makes it clear that there will not be any revival of disciplinary action against the teacher namely C.Jaya. The gesture shown by the School has been reciprocated by the teacher namely C.Jaya, who informs the Court that she will not have any claim for back wages. It is specifically stated that the continuity of service from the date of her suspension till the date of her reinstatement will be counter for the purpose of terminal benefits and other purposes. There is no question of payment of back wages."

4. Now the grievance of the petitioner School Management is that the teacher is taking advantage of the observation made by the learned Single Judge to the effect that there will not be any revival of disciplinary action against the teacher viz., C.Jaya and that the said teacher is creating problems with the School Management. It is also brought to the notice of this Court that the Government has also filed a writ appeal as against the common order dated 27.11.2018 in W.A.(MD)No.1113 of 2019 and the Honourable Division Bench of this Court dismissed the writ appeal on 25.10.2019 and confirmed the order of the learned Single Judge.

5. When the Writ Appeal filed by the Government was dismissed by the Honourable Division Bench of this Court, the above Writ Appeals challenging the very same impugned order cannot be entertained. That apart, when the School Management had consented for the reinstatement of the teacher forthwith without any delay and also give an undertaking that the issue can be given a quietus as against the consent order, the School Management cannot file the writ appeals.

6. In view of the dismissal of Writ Appeal in W.A.(MD) No.1113 of 2019, we do not find any reason to interfere with the order passed by the learned Single Judge. The Writ Appeals are devoid of merits and the same are dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)



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To ஸ்ரீ மதுரை

1.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

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

3.The Joint Director of School Education(Secondary)
Directorate of School Education
College Road, Chennai

+1 CC to MR.V.PANNEER SELVAM, Advocate (SR-104546[F] dated
11/12/2019)

+1 CC to MR.S.CHELLAPANDIAN, Advocate (SR-104659[F] dated
12/12/2019)

W.A. (MD)Nos.1520 to 1522 of 2019
10.12.2019

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