



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.1368 of 2019

and

C.M.P. (MD) No.11440 of 2019

- 1.The Chief Educational Officer,
Tuticorin, Tuticorin District.
- 2.The District Educational Officer,
Tuticorin, Tuticorin District. ... Appellants/Respondent

Vs.

- 1.S.Jeya Ugin Mary
- 2.The Correspondent,
Manal Madha Higher Secondary School,
Sokkankudiyiruppu,
Tuticorin District-628 653. .. Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the orders dated 12.03.2019 in W.P.(MD) No.6043 of 2016 and thereby allow this appeal.

Prayer in WP(MD). 6043 of 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 relating to the impugned proceedings issued by the 2nd respondent herein Moo. Mu. No. 5960 / A4 / 2015 dated 28.01.2016 quash the same and further direct the 2nd respondent herin to approve the petitioners appointment as BT Assistant (social science) in the 3rd respondent - school from the original dated of appointment i.e. 01.12.2001 with salary and other monetary benefits.

For Appellants : Mrs.S.Srimathy
Special Government Pleader

For R1 : Mr.Ajith Geethan



JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mrs.S.Srimathy, learned Special Government Pleader for the appellants and Mr.Ajith Geethan, learned counsel for the first respondent. By consent on either side, this writ appeal is taken up for final disposal.

2. This appeal by the Chief Educational Officer, Tuticorin District and the District Educational Officer, Tuticorin District is directed against the order in W.P.(MD)No.6043 of 2016, dated 12.03.2019.

3. The writ petition was filed by the respondent herein to set aside the proceedings of the appellants refusing to approve the appointment of the Teacher on the ground that conversion of subject has been done, without prior approval. The writ petitioner sought for regularization of the said conversion only for the period of six months. The learned writ Court took into consideration the decision in the case of **C.Wilson Sundar Raj Vs. The Director of School Education, Chennai and others** [(2012) 3 MLJ 678] and allowed the writ petition. In the case of **The State of Tamil Nadu, rep. by its Principal Secretary, Department of School Education and others Vs. K.Jeyasanthi** in W.A.(MD)No.1406 of 2014, dated 26.04.2017, an identical issue was considered by the Hon'ble Division Bench of this Court, to which one of us (Hon'ble MR.JUSTICE T.S.SIVAGNANAM) was a party and the appeal filed by the Government was disposed of.

4. In the light of the above, we are of the view that the appellants had not made out any ground to interfere with the order passed by the learned writ Court. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

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

2.The District Educational Officer, Tuticorin, Tuticorin District.

ORDER MADE IN

W.A. (MD) No.1368 of 2019

21.11.2019

svn(CO)

TR(03.01.2020)2P 3C

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