

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 08.09.2020**

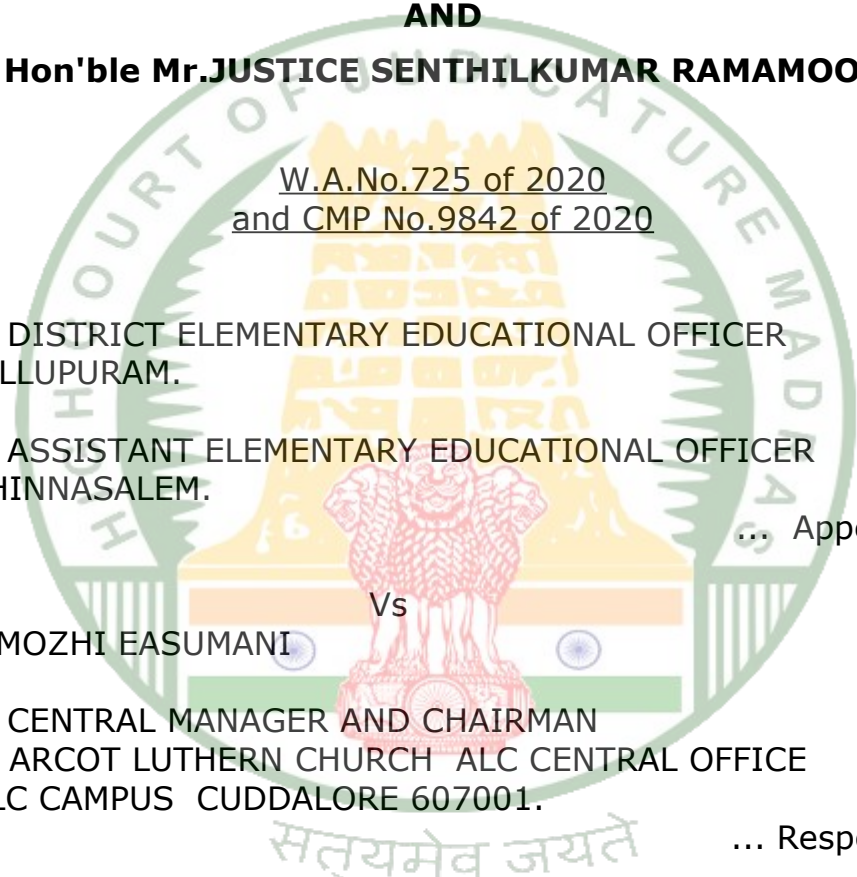
**CORAM :**

**The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE**

**AND**

**The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.A.No.725 of 2020  
and CMP No.9842 of 2020

- 
- 1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER  
VILLUPURAM.
- 2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER  
CHINNASALEM.
- ... Appellants
- Vs
- 1 J.INMOZHI EASUMANI
- 2 THE CENTRAL MANAGER AND CHAIRMAN  
THE ARCOT LUTHERN CHURCH ALC CENTRAL OFFICE  
9 ALC CAMPUS CUDDALORE 607001.
- ... Respondents
- सत्यमेव जयते

Appeal filed under Clause 15 of the Letters patent against the order dated 18.07.2019 passed in W.P.No.14023 of 2018 on the file of this Court.

For Appellants : Mr.C. Munusamy  
Special Government Pleader

For respondents : Mr.L. Chandrakumar

**JUDGMENT**

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have heard Mr.C. Munusamy, learned Special Government Pleader and Mr.L. Chandrakumar, learned counsel for the respondents.

2. We had entertained the appeal and had passed the following order on 28.07.2020:-

*" This appeal has been filed with a delay of 195 days. Let a counter-affidavit to the delay condonation application be filed by Mr.L.Chandrakumar, learned counsel for the respondent petitioner.*

*2.Sri.C.Munusamy, learned Special Government Pleader appearing for the petitioners/appellants has urged that the proposal of conversion of the post being claimed by the respondent petitioner from B.T.*

*Assistant (History) to B.T. Assistant (Tamil) is impermissible in terms of G.O. Ms.No.144, School Education (D1) Department, dated 04.07.2008 and he has relied on paragraph 3 (iii) of the said Government Order. He, therefore, submits that such conversion was impermissible.*

*3.The stand taken by the learned counsel for the respondent petitioner is that as a matter of fact, even though such conversion did not take place or was not permissible, the same would not make any difference inasmuch as the respondent petitioner had been appointed against a sanctioned post of B.T. Assistant (Tamil), which was in existence and has been admitted in paragraph 7 of the counter-affidavit. It is further submitted that if any B.T. Assistant teacher in History was working against the said post, the same would not amount to conversion of the post into B.T. Assistant (History), which is the argument of the learned counsel for the appellant.*

*4.It is further submitted that the answering respondent petitioner was appointed*

*against the post that had fallen vacant on the promotion of the B.T. Assistant teacher, Joe Salomi Shoba and therefore, in the said vacancy which was caused on account of the said teacher being appointed as Head Mistress that the answering respondent came to be appointed against the said post on 14.11.2016.*

*5.It is submitted that even assuming that Joe Salomi Shoba had been appointed as B.T. Assistant (History), the said appointment may not be in conformity with the Government Order dated 04.07.2008 as there is no specific order of conversion of the post from B.T. Assistant (Tamil) to B.T. Assistant (History). It was the same post which continued to be occupied by Joe Salomi Shoba and therefore, the nature of the post had not altered.*

*6.It is also submitted that the answering respondent petitioner is the only B.T. Assistant (Tamil) teacher in the Institution as recorded by the learned Single Judge and therefore, in this background the appointment of the petitioner is valid as per the own case of the appellants and the post had continued to retain the character*

*and status of B.T. Assistant (Tamil). It is also the contention of Mr.L.Chandrakumar that there is no other teacher, including surplus teachers, functioning as B.T. Assistant (Tamil).*

*7.Learned Special Government Pleader prays for time to seek clarification on the said issue.*

*List on 08.09.2020."*

3. On merits, keeping in view the information sought by us in our order dated 28.07.2020, Mr.C. Munusamy, learned Special Government Pleader informs the Court that it is correct that there is no other Tamil Teacher in the Institution.

4. In the wake of this information not having been disputed even though the matter could be advanced further by the learned counsel for the appellants, we do not find this to be a fit case, where interference is called for with the judgment of the learned Single Judge, as the first respondent is the only Tamil Teacher in the Institution.

5. Accordingly, in view of the peculiar facts of this case, the continuance of the first respondent, therefore, does not deserve to be interfered with. We should not be construed to have laid down any law by virtue of dismissal of this appeal which shall not be considered as a precedent.

6. The writ appeal is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(A.P.S., C.J.)

(S.K.R., J.)

08.09.2020

sr

Index:yes/no

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