



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A.Nos.828, 1437, 1566, 1931 and 1973 of 2021
and C.M.P.Nos.4665, 8955, 9874, 12496 and 12717 of 2021

W.A.No.828 of 2021 :

1. The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai-600 006. .. Appellants/Respondents

Vs.

M.Muniappan .. Respondent/Petitioner

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the common order dated 29.11.2019 passed in W.P.No.33428 of 2019.

Prayer in W.P.No.33428 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Calling for the records of the Second Respondent in NA.KA.NO 21319/W1/E1/2019 dated 3.9.19 and quash the same and consequently direct the Respondents to include the name of the Pettitioner in the Panel for the Promotion to the post of Higher Secodanary School headmaster pursuant to the Proceedings of the Second respondent herein in NA.KA.NO.3720/W1/31/2019 dated 16.11.19 by reckoning the initial date of appointment and rank assigned by Teachers Recruitment board for the recruitment year 2003-2004 by



following G.O.MS.NO 120 dated 18.7.06 and the Judgment of this Hon'ble court WP.4991/2015.

* * *

W.A.No.1437 of 2021 :

1. State of Tamil Nadu
Rep. by its Secretary,
Higher Secondary Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Chief Educational Officer,
Erode.

.. Appellants/Respondents

Vs.

M.Umamaheswaran

.. Respondent/Petitioner

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the common order dated 17.12.2019 passed in W.P.No.34894 of 2019.

Prayer in W.P.No.34894 of 2019.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents herein to include the name of the Petitioner to the post of Higher Secondary School Headmaster pursuant to the proceedings of the 2nd Respondent herein in Na.Ka.No. 3720/ W1/ E1/ 2019 dated 16.11.2019 by counting the services of the Petitioner with effect from 12.07.2004 by following the Judgment of this Honorable Court in W.P.No. 4991 of 2015 and WP(MD)No. 21316 of 2015 by regularising the services of the Petitioner in the post of P.G. Assistant with effect from 12.07.2004 for the purposes of seniority.

* * *

W.A.No.1566 of 2021 :

1. State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.



2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai-600 006.

4. The Chief Educational Officer,
Villupuram District.

.. Appellants/Respondents

Vs.

R.Annamalai

.. Respondent/Petitioner

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the common order dated 17.12.2019 passed in W.P.No.34888 of 2019.

Prayer in W.P.No.34888 of 2019:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents herein to include the name of the Petitioner to the post of Higher Secondary School Headmaster pursuant to the proceedings of the 2nd Respondent herein in Na.Ka.No. 3720/ W1/ E1/ 2019 dated 16.11.2019 by counting the services of the Petitioner with effect from 08.07.2004 by following the Judgment of this Honorable Court in W.P.No. 4991 of 2015 and WP(MD)No. 21316 of 2015 by regularising the services of the Petitioner in the post of P.G. Assistant with effect from 08.07.2004 for the purposes of seniority alone.

* * *

W.A.No.1931 of 2021 :

1. State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.



3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai-600 006.

.. Appellants/Respondents

Vs.

WEB COPY

M.V.Vasudevan

.. Respondent/Petitioner

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the common order dated 29.11.2019 passed in W.P.No.33440 of 2019.

Prayer in W.P.No.33440 of 2019.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the records of the Second Respondent in NA.KA.NO 21319/W1/E1/2019 dated 3.9.19 and quash the same and consequently direct the Respondents to include the name of the Pettitioner in the Panel for the Promotion to the post of Higher Secodanary School headmaster pursuant to the Proceedings of the Second respondent herein in NA.KA.NO.3720/W1/31/2019 dated 16.11.19 by reckoning the initial date of appointment and rank assigned by Teachers Recruitment board for the recruitment year 2003-2004 by following G.O.MS.NO 120 dated 18.7.06 and the Judgment of this Honble court WP.4991/2015.

* * *

W.A.No.1973 of 2021 :

1. State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai-600 006.

.. Appellants/Respondents

Vs.

C.Balaji

.. Respondent/Petitioner



Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the common order dated 29.11.2019 passed in W.P.No.33443 of 2019.

Prayer in W.P.No.33443 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the records of the Second Respondent in NA.KA.NO 21319/W1/E1/2019 dated 3.9.19 and quash the same and consequently direct the Respondents to include the name of the Pettitioner in the Panel for the Promotion to the post of Higher Secodanary School headmaster pursuant to the Proceedings of the Second respondent herein in NA.KA.NO.3720/W1/31/2019 dated 16.11.19 by reckoning the initial date of appointment and rank assigned by Teachers Recruitment board for the recruitment year 2003-2004 by following G.O.MS.NO 120 dated 18.7.06 and the Judgment of this Honble court WP.4991/2015.

* * *

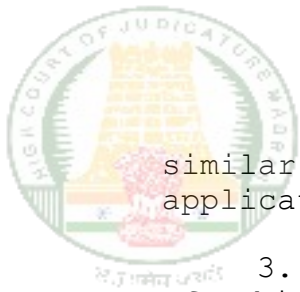
For Appellants in : Mr.R.Neelakandan,
all Writ Appeals State Government Counsel

For Respondents : Ms.Dakshayani Reddy
in all Writ Appeals.

C O M M O N J U D G M E N T

The common issue arises for consideration in these writ appeals pertain to the promotion to the post of School Headmasters, which was sought for by the respondents in the instant appeals, who were the writ petitioners.

2. The writ petitions were disposed of by the writ Courts relying upon the order of a learned Single Judge of this Court dated 30.07.2019 made in W.P.No.4991 of 2015 and consequential directions were issued to the appellants herein, who were the respondents therein, in terms of the said order of the learned Single Judge dated 30.07.2019. The appeal filed by the Government against the said order in W.A.No.3904 of 2019 was allowed in part on 13.01.2020. However, the Hon'ble First Bench admitted the review application filed by some of the aggrieved third parties against the said order on 01.09.2020, after obtaining leave of this Court. The writ appeals filed by the Government, along with the Writ Appeal of the third parties against the orders of the learned Single Judges granting the



similar relief, were also posted along with the review application before this Court.

3. In the meanwhile, a Division Bench of the Madurai Bench of this Court passed an order dated 01.06.2021 in W.A.(MD) Nos.299 of 2021, etc. batch (The Secretary, Government of Tamil Nadu, School Education Department, Fort St. George, Chennai V. C.Murugan) accepting the contentions of the Government and thereby allowing the appeals filed by the State by setting aside the similar directions given by the learned Single Judges in a batch of writ petitions in W.P.(MD)No.5984 of 2020, etc. batch, dated 24.03.2020, wherein, direction was issued to the Government to regularise the services of the writ petitioners from the date of initial appointment till 01.01.2006 with consequential benefits.

4. This Court has considered the said issue elaborately in the judgment delivered today, i.e., 17.08.2021 in the said review application in Rev.Appln.No.60 of 2020 in W.A.No.3904 of 2019, etc. batch. and taking note of the judgment of the Division Bench of the Madurai Bench of this Court passed in C.Murugan's case [cited supra], held as follows :

"35. The First Bench, also had passed a reasoned order on 01.09.2020 to admit the review application. In view of the discussions made hereinabove, the Review petition No.60 of 2020 and W.A.No.723 of 2020 filed by the third parties, whose rights are affected by the said order, are allowed and consequently, the order dated 13.01.2020 passed in W.A.No.3904 of 2019 is recalled. As a natural corollary, the order passed by the writ Court dated 30.07.2019 in W.P.No.4991 of 2015 is set aside and the writ petition is dismissed.

36. In view of the orders passed by us in the instant review petition, the writ appeals filed by the Government in W.A.Nos.245, 246 and 462 of 2020 are also allowed and the respective orders passed by the learned Single Judges, which were impugned therein, are also set aside and those writ petitions are dismissed.

37. It is also made clear that any order passed by this Court placing reliance on the judgment dated 13.01.2020 in W.A.No.3904 of 2019 and the order dated 30.07.2019 in W.P.No.4991 of 2015 cannot be given effect to, in view of the order passed in the review petition recalling the order dated 13.01.2020."



5. Following the said judgment, these writ appeals are allowed and the orders of the learned Single Judges impugned herein are set aside and the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

GG

To

1. The Secretary,
Department of School Education,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
2. The Secretary,
Higher Secondary Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
3. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
4. The Joint Director (Higher Secondary),
DPI Campus, College Road,
Chennai-600 006.
5. The Chief Educational Officer,
Erode.
6. The Chief Educational Officer,
Villupuram District.

+1cc to the Government Pleader, S.R.No.41465

W.A.Nos.828, 1437, 1566,
1931 and 1973 of 2021

PM(CO)
CT(20/09/2021)