



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.22545, 22550, 22554 & 22556 of 2021
and

W.M.P.Nos.23775, 23777, 23779, 23780,
23783, 23785, 23788 & 23791 of 2021

(Through Video Conferencing)

The Headmistress & Correspondent,
St.Joseph's Higher Secondary School,
Vettuvankeni,
Chennai - 600 115.

... Petitioner in all W.Ps.

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Chief Educational Office,
Govt.Girls Hr.Secondary School Campus,
Chengalpet District - 603 001.
- 4.The District Educational Officer,
District Educational Office,
St.Thomas Mount,
Govt.Boys Hr.Sec.School Campus,
Chrompet - 600 044.
Kanchipuram.

... Respondents in all W.Ps.

Prayer in W.P.No.22545 of 2021: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent District Educational Officer in Na.Ka.No.1406/A3/2021 dated 02.09.2021, quash the same and further direct the 3rd and 4th respondents to approve the appointment of Mrs.M.Krishnaveni as BT Assistant (Maths) in the petitioner school with effect from the date of her appointment vix., 01.06.2020, and release salary and all attendant benefits with effect from the said date.



Prayer in W.P.No.22550 of 2021: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent District Educational Officer in Na.Ka.No.1404/A3/2021 dated 02.09.2021, quash the same and further direct the 3rd and 4th respondents to approve the appointment of Mrs.Y.Anto Serin as Physical Education Teacher in the petitioner school with effect from the date of her appointment vix., 01.06.2019, and release salary and all attendant benefits with effect from the said date.

Prayer in W.P.No.22554 of 2021: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent District Educational Officer in Na.Ka.No.1407/A3/2021 dated 02.09.2021, quash the same and further direct the 3rd and 4th respondents to approve the appointment of Sr.K.Anotny Rajula as BT Assistant (English) in the petitioner school with effect from the date of her appointment vix., 01.06.2020, and release salary and all attendant benefits with effect from the said date.

Prayer in W.P.No.22556 of 2021: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent District Educational Officer in Na.Ka.No.1405/A3/2021 dated 02.09.2021, quash the same and further direct the 3rd and 4th respondents to approve the appointment of Sr.D.Jaya as BT Assistant (Tamil) in the petitioner school with effect from the date of her appointment vix., 01.06.2019, and release salary and all attendant benefits with effect from the said date.

For Petitioner : Mr.P.Godson Swaminathan for
(in all W.Ps) M/s.Isaac Chambers

For Respondents : Mr.L.S.M.Hasan Fizal
(in all W.Ps) Government Advocate

C O M M O N O R D E R

By this common order, all these writ petitions are being disposed.

2.In these writ petitions, the petitioner has challenged the impugned order dated 02.09.2021 returning the proposal for approving the petitioner's appointment. The impugned order has been passed in the light of interim order passed by the Hon'ble Madurai Bench of this Court in W.A.(MD).



Nos.76 of 2019 batch etc, and the consequential Government Order in G.O.Ms.No.165, School Education Department, dated 17.09.2019.

3. Appearing on behalf of the respondents, the learned Government Advocate for the respondents submits that as on date there is no proposal pending before the respondents and therefore the petitioner should be directed to file their representation before the 3rd respondent for passing appropriate orders and the orders will be passed taking note on the decision of the Hon'ble Madurai Bench of this Court in W.A.(MD).Nos.76 of 2019 batch etc, disposing by its common order dated 31.03.2021.

4. It is noticed that G.O.Ms.No.165 School Education Department, dated 17.09.2019 has been declared by the Hon'ble Madurai Bench of this Court in the aforesaid judgment in Para 93.9 has been held as under:

'93.9. In that view of the matter and the comprehensive decision since having been arrived at by us in this batch of cases, the said G.O.Ms.No.165, in our considered view, can very well be declared to be inoperative.'

5. In view of the above order, these writ petitions are allowed by quashing the impugned order dated 02.09.2021 passed by the 4th respondent and remitted back to the 3rd and 4th respondents to pass appropriate orders on merits subject to the petitioner submitting their representation within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

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



3.The Chief Educational Officer,
Chief Educational Office,
Govt.Girls Hr.Secondary School Campus,
Chengalpet District - 603 001.

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4.The District Educational Officer,
District Educational Office,
St.Thomas Mount,
Govt.Boys Hr.Sec.School Campus,
Chrompet - 600 044.
Kanchipuram.

+4ccs to M/s.Isaac Chambers, Advocate SR.No.54352, 54353,
54354, 54556

+1cc to Government Pleader SR.No.55025

W.P.Nos.22545, 22550, 22554 & 22556 of 2021
and

W.M.P.Nos.23775, 23777, 23779, 23780,
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KG(CO)
GMY(03/12/2021)