



W.P.(MD) No.2581 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

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W.P. (MD) No.2581 of 2020

and

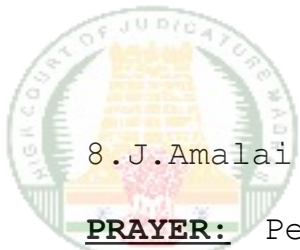
W.M.P. (MD) Nos.2215 & 2216 of 2020

A.Kanimozhi

... Petitioner

-vs-

- 1.The Chief Educational Officer
Dindigul District
Dindigul
- 2.The District Educational Officer
Dindigul
Dindigul District
- 3.The District Educational Officer
Vedasandur
Dindigul District
- 4.The Manager / Bishop
R.C.Schools of Dindigul Diocese
Bishop's House, Valar Nagar
Post Box No.6, B.K.Pudur
Dindigul-624 005
Dindigul District
- 5.The Secretary and Superintendent of R.C.Schools
Punitha Thoma Pastoral Centre
Post Box No.62
St.Joseph's Cathedral Campus
Dindigul District
- 6.The Correspondent
Loyola Higher Secondary School
Hanumantharayankottai
Dindigul District
- 7.The Correspondent
St.Antony's Higher Secondary School
Kosavapatty, Dindigul
Dindigul District



8.J.Amalai Marcelin Mary

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the impugned proceedings issued by the first respondent herein in Na.Ka.No.1013/E1/2020 dated 04.02.2020 and the subsequent proceedings issued by the first respondent herein in Na.Ka.No.1013/E1/2020, dated 04.02.2020, quash the same.

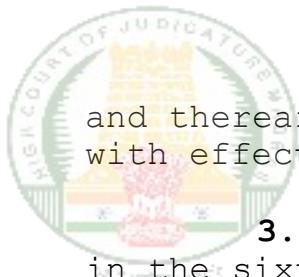
For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.A.K.Manickam
Government Counsel for R1 to R3
Mr.V.John Kennedy
for M/s.Father Xavier Associates for R4 to R6
Mr.M.Saravanan for R8

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorari to quash the impugned orders passed by the first respondent, dated 04.02.2020, whereby and whereunder, the approval granted for the petitioner's appointment as BT Assistant (Tamil) as well as her deployment to the seventh respondent School were cancelled.

2. The case of the petitioner is that she was appointed as BT Assistant (Tamil) in the sixth respondent School in the academic year 2016-2017. On 22.06.2018, the sixth respondent School submitted a proposal to the third respondent seeking approval for the petitioner's appointment. When same was pending, the fifth respondent, without assigning any reason, issued a fresh appointment order appointing the petitioner in St.James Higher Secondary School, A.Vellodu, Dindigul District, as BT Assistant (Tamil) in the promotional vacancy. When the petitioner went to join in the said School, the Correspondent did not allow her to join. Hence, the petitioner filed W.P.(MD) No.17290 of 2018 seeking direction against the third respondent to approve her appointment as BT Assistant (Tamil) in the sixth respondent School with effect from 22.06.2018 and to permit her to continue her service as BT Assistant (Tamil) in the sixth respondent School. This Court, by order dated 02.08.2018, granted interim injunction restraining the respondents from dispensing with the petitioner's duty in the sixth respondent School. Based on the interim orders passed by this Court, the petitioner was permitted to continue in the sixth respondent School



and thereafter, her appointment was approved by the third respondent with effect from 22.06.2018 and the grant-in-aid was also disbursed.

3. Subsequently, since there was fall in students strength in the sixth respondent School, the first respondent, by order dated 20.02.2019, deployed the petitioner to the seventh respondent School and accordingly, the petitioner joined in the seventh respondent School on 01.03.2019. In the meantime, the eighth respondent filed a miscellaneous petition to implead her as a party respondent in W.P.(MD) No.17290 of 2018 filed by the petitioner herein for a direction to the third respondent to approve her appointment as BT Assistant (Tamil) in the sixth respondent School. The eighth respondent herein also filed a writ petition in W.P.(MD) No.20920 of 2018 before this Court seeking direction to the sixth respondent School to forward the proposal and to approve her appointment. Thereafter, the eighth respondent also filed W.P.(MD) No.25015 of 2018 challenging the appointment of the petitioner and obtained an order of interim stay. When such being the position, the first respondent passed the impugned orders dated 04.02.2020 cancelling the petitioner's appointment and cancelling her deployment to the seventh respondent School. Challenging these two orders, the petitioner has filed the present writ petition.

4. Even though the learned counsel appearing for the petitioner has raised several grounds assailing the impugned orders, on 02.08.2021, when the matter came up for hearing, the learned counsel for the petitioner submitted it would suffice if the respondents are directed to accommodate the petitioner as either BT Assistant (Tamil) or Physical Education Teacher in any one of the Schools come under the control of the respondents 4 and 5, for which, the learned counsel appearing for the respondents 4 to 6 sought time to get necessary instructions in that regard and accordingly, the matter was directed to be posted today.

5. Today, when the matter was taken up for hearing, the learned counsel appearing for the respondents 4 to 6, on instructions, fairly submitted that the petitioner will be accommodated in the ensuing vacancy as either BT Assistant (Tamil) or Physical Education Teacher, for which the learned Government Counsel has not raised any serious objection.

6. The learned counsel for the petitioner accepted the aforesaid submission and prayed that by recording same, the writ petition may be disposed of.

7. Recording the above submission of the learned counsel appearing for the respondents 4 to 6, this writ petition is disposed of. However, if the petitioner is having any other claim, it is open to her to workout her remedy before the Authority concerned in



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the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Chief Educational Officer,
Dindigul District, Dindigul.
- 2.The District Educational Officer,
Dindigul, Dindigul District.
- 3.The District Educational Officer,
Vedasandur, Dindigul District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-25732[F] dated 10/08/2021)

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-25858[F] dated 11/08/2021)

+1 CC to M/s.GP (SR-25947[F] dated 11/08/2021)

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and

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RD(17.08.2021) 4P 7C