



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM :

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**THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN**

W.A(MD)No.2129 of 2021

and

CMP(MD)No.9939 of 2021

- 1)The Chief Educational Officer,
Trichirappalli.
- 2)The District Educational Officer,
Trichirappalli. ... Appellants/Respondents 1 & 2
- vs.
- 1)K.Alima Banu ... 1st Respondent/Writ Petitioner
- 2)The Correspondent,
Kajamiya Higher Secondary School,
Kajamiya Nagar,
Trichirappalli. ... 2nd Respondent/3rd Respondent

Appeal filed under Clause 15 of Letters Patent, against the order dated 14.09.2020 made in W.P(MD)No.11628 of 2020.

Prayer in WP(MD). 11628/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorarified mandamus or any other appropriate writ or order or direction in the nature of writ calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in O.Mu.No.8986/A4/A2/2019 dated 16.06.2020 and quash the same and consequently direct the respondents to approve the appointment of the petitioner as P.G.Assistant (History) with effect from 03.06.2019 with all attended benefits.

For Appellants : Mr.P.Subbaraj
Special Government Pleader
For R1 : Mr.V.Paneer Selvam



JUDGMENT

(Judgment of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ appeal is directed against the order passed in W.P (MD)No.11628 of 2020 dated 14.09.2020, wherein, a common order was passed in a batch of writ petitions.

2. The school, which is the 3rd respondent in the writ petition, had vacancies with respect to teaching and non teaching posts which were sanctioned, in which, the writ petitioners were appointed. When the approval was sent by the school to the appellants, they rejected the same, on three grounds namely,

i) The Educational Agency should have filed the Form VII before the Registrar of Co-operative Societies.

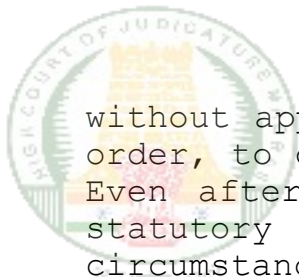
ii) It is to be clarified that there are no cases pending before the Court with respect to the appointment of the members of the Management.

iii) W.P(MD)No.20895 of 2013 filed by the school should be withdrawn.

3. It was made clear before the Writ Court itself that W.P(MD) No.20895 of 2013 was withdrawn as early as on 10.08.2018. Regarding the pendency of any case, excepting the present case, no other case was pending, was also clarified to the appellants. In spite of the same, the approval was rejected. Hence, the learned Judge has taken note of the facts and only remitted the matter back to the appellants herein, directing them to reconsider the proposal sent by the school, in respect of the appointment made to each of the writ petitioners in the respondent's school. The officials were also directed to verify whether the appointment of the writ petitioners were in sanctioned vacancy alone, along with the other details and granted eight weeks time.

4. Even after considerable time, the order was not complied with. Hence, the writ petitioners had filed contempt petition in Cont.P(MD)No.1335 of 2021. In the meanwhile, by proceedings in O.Mu.No.4737/A2/2020, dated 24.03.2021, the 2nd appellant namely, the District Educational Officer has passed an order without considering the direction given by the Writ Court, on the ground that the educational agency was not in place as per the Tamil Nadu Private Schools (Regulations) Act, 2018.

5. When the contempt petition was taken up for hearing, the same learned Judge, who passed the order in the writ petitions, holding that *prima facie*, the order dated 24.03.2021, was passed



without application of mind, directed the officials to pass a fresh order, to comply with the earlier order passed in the writ petition. Even after that, there was no compliance. Hence, on 26.10.2021, statutory notice was issued to the respondents. In the above said circumstances, the present writ appeal was filed by the appellants.

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6. The Writ Court while passing the order in the writ petitions, and also while dealing with the contempt petition, had remanded the matter back to the officials to re-consider the proposals given, verify the details of the writ petitioners and then pass orders. However, unmindful of the said directions given, the appellants, in particular, the 2nd appellant has passed the order on 24.03.2021. In such circumstances, we see no reason to entertain this appeal and the same is dismissed with the direction to comply with the earlier order passed by the Writ Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

To

1)The Chief Educational Officer,
Trichirappalli.

2)The District Educational Officer,
Trichirappalli.

+1 CC to M/s.V.PANNEERSELAVM, Advocate (SR-36853[F]
dated 01/12/2021)

+1 CC to M/s.SPL GP (SR-36479[F] dated 30/11/2021)

JUDGMENT MADE IN
W.A(MD)No.2129 of 2021
DATED : 29.11.2021

NSN(CO)

GC(08.12.2021) 3P 5C