



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.12.2021**

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.19516 of 2021

M.Mariya Theres

... Petitioner

Vs.

1.The State of Tamilnadu,
rep. by its Secretary,
Department of School Education,
Fort St George,
Chennai-600 009

2.The Commissioner of School Education,
DPI Complex,
College Road,
Chennai-600 009

3.The Director of School Education,
DPI Complex,
College Road,
Chennai-600 009

4.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

5.The District Educational Officer,
Valliyoor Educational District,
Valliyoor,
Tirunelveli District.

6.The Correspondent
Concordia Higher Secondary School,
Vadakkankulam,
Radhapuram Taluk,
Tirunelveli District.

7.The Hon'ble Administrator,
India Evangelical Lutheran Church,
No.47, Eldams Road,
Teynampet,
Chennai-18

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th and 5th respondents to approve the petitioner's appointment as P.G.Assistant (Tamil) in the 6th respondent school



with effect from 01.08.2015 with all attendant and monetary benefits including arrears of salary and other allowances within the time frame as fixed by this Court.

For Petitioner : Mr.A.Kesavan
For Respondents : Mr.G.V.Vairam Santhosh, AGP

WEB COPY

ORDER

Heard Mr.A.Kesavan, learned counsel appearing for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents.

2.This Writ Petition has been filed seeking for issuance of a Mandamus, to direct the 4th and 5th respondents to approve the petitioner's appointment as P.G.Assistant (Tamil) in the 6th respondent school with effect from 01.08.2015 with all attendant and monetary benefits including arrears of salary and other allowances, within a time frame to be fixed by this Court.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.Today, when this Writ Petition is taken up for hearing, the learned counsel for the petitioner submits that two other similarly placed persons have filed similar Writ Petitions in WP (MD)Nos.8591 & 8615 of 2021 and the same were allowed by this Court vide order dated 27.04.2021 and the petitioner herein is also entitled for the similar relief and hence, he prays to dispose of the present Writ Petition on the same lines.

5.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents has conceded the same and submitted that that the petitioner is also entitled for the relief which has been granted in the aforesaid Writ Petitions.

6. In the above said two Writ Petitions, the petitioners therein also sought for approval of their appointments which were approved by the 6th respondent who has been appointed as Administrator pursuant to the orders of the Principal Bench of this Court and sent proposal to the respondents 3 and 4 and considering the same, this Court directed the respondents 3 and 4 to approve their appointments. The relevant portion in W.P.No.8615 of 2021 is extracted as under:

"7.From the materials available on record, it is seen that this Court in W.P(MD)No.17405 of 2015, by order dated 05.03.2018, directed the respondents therein to consider the proposal submitted by the fifth respondent within four months. The respondents 1 to 4 have not passed any orders on the proposal sent by the



Court. In the meanwhile, due to the dispute with regard to the Management, the Principal Bench of this Court appointed the sixth respondent as Administrator. The sixth respondent has approved the appointment of the petitioner as P.G.Assistant (Commerce) and sent the proposal to the respondents 3 and 4 for approval of her appointment as P.G.Assistant (Commerce) with effect from 20.07.2015. In view of the proposal sent by the sixth respondent/Administrator, who was appointed by the Principal Bench of this Court, the respondents 3 and 4 are bound to consider the proposal submitted by the sixth respondent and approve the appointment of the petitioner as P.G.Assistant (Zoology) with effect from 20.07.2015.

"8. In view of the above facts, the respondents 1 to 4 are directed to consider the approval of the appointment of the petitioner as P.G.Assistant (Commerce), taking into consideration the earlier order passed by this Court in W.P(MD)No.17405 of 2015, dated 05.03.2018, referred to above and pass orders on approving the appointment of the petitioner as P.G.Assistant (Commerce) with effect from 20.07.2015.

7.Considering the above, this Court is of the view that the above order will hold good in respect of the present Writ Petition also. Accordingly, the respondents 1 to 4 are directed to consider the approval of appointment of the petitioner as P.G.Assistant (Tamil), taking into consideration the earlier order passed by this Court in W.P(MD)No.17405 of 2015, dated 05.03.2018, referred to above and pass orders on approving the appointment of the petitioner as P.G.Assistant (Tamil) with effect from **(*)01.08.2015.**

8.With the above observation, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (T&P)

(*) As per amended Order dated 14/02/2022 made in WP(MD)No.19516 of 2021

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Dn

Note : In view of the present lock down owing to COVID-19 pandemic,
<https://hcservices.courts.gov.in/hcservices/> 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:

(*)To be substituted to the order already despatched on 02/02/2022

1.TheSecretary,
State of Tamilnadu,
Department of School Education,
Fort St George,
Chennai-600 009

2.The Commissioner of School Education,
DPI Complex,
College Road,
Chennai-600 009

3.The Director of School Education,
DPI Complex,
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7.The Hon'ble Administrator,
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Chennai-18

+1 CC to M/s.SPL GP (SR-38875[F] dated 15/12/2021)

**W.P (MD) No.19516 of 2021
14.12.2021**

RD(31.01.2022) 4P 9C

RD(28.02.2022) 4P 9C