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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	17.09.2021
PRONOUNCED ON	14.03.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.17380, 17384, 17388 & 17391 of 2021
and
W.M.P.Nos.18431,18432, 18434,18436, 18437, 18439,
18442, 18443, 18444, 18447,18449, 18450 of 2021
(Through Video Conferencing)

G.Margaret Malini ...Petitioner in W.P.No.17380/21
V.Latha ...Petitioner in W.P.No.17384/21
E.Grace alias M.Kalaiyarasi ...Petitioner in W.P.No.17388/21
G.Sabitha ...Petitioner in W.P.No.17391/21

Vs.

The Chief Executive Officer,
Cantonment Board,
(Under the control of the Ministry
of Defence, Government of India)
St. Thomas Mount cum Pallavaram,
Chennai - 600 016. ...1st Respondents in all W.Ps.

Cantonment Board High School,
(Now Known as Arignar Anna Cantonment Board
High School)
Rep.by its Head Master,
Pallavaram, Chennai-43. ...2nd Respondent in W.P.17384/21,
W.P.17388/21 and W.P.17391/21

Dr.M.G.R.Cantonment Board High School,
Rep. by its Head Master,
St. Thomas Mount cum Pallavaram,
Chennai - 600 016. ...2nd Respondent in W.P.17380/21

Writ Petitions filed under Article 226 of the Constitution
of India, for issuance of a Writ of Certiorari, to call for the
records of the Recruitment Notification issued by the first



respondent and published in Adv. No.STM/ADM/1520, dated 09.08.2021 in all daily newspapers including in THE HINDU, Chennai Edition dated 11.08.2021 and to quash the same as being illegal and unsustainable in law. (in all Wps)

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For Petitioners

in all W.Ps.

: Mrs.N.Kavitha Rameshwar

For R1

in all W.Ps.

: Mr.C.Mohan

for M/s.King & Partridge

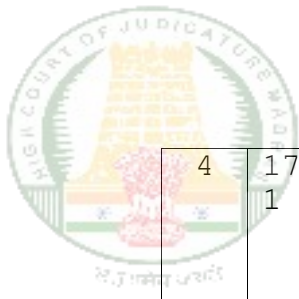
C O M M O N O R D E R

By this common order, all the four Writ Petitions are being disposed.

2.These Writ Petitions have been filed by the petitioners who were serving as B.T. Assistants in the second respondent Cantonment Board School. They have challenged the impugned recruitment Notification dated 09.08.2021 issued by the first respondent and published in Adv.No. STM/ADM/1520 in all daily newspapers including THE HINDU, Chennai Education dated 11.08.2021. An interim order was passed by this Court on 19.08.2021 and permitted the interview to go on, but the results were not to be published.

3.Initially, the petitioners were appointed as Secondary Grade Teachers in the second respondent school with a consolidated pay of Rs.11,000/- p.m. The petitioners are the eligible candidates for the Post of B.T. Assistants, as per the Tamil Nadu Recognized Private Schools Regulations Act and Rules. However, they were getting only a consolidated pay of Rs.11,000/-p.m. as a salary till date. Details of the respective petitioners are given below:-

Sl No	W.P.No.	Petitioner's Name	Qualification	Date of Appointment	Designation
1	17380/2021	G.Margaret Malini	M.A., B.Ed.,	05.06.2000	Secondary Grade Teacher
2	17384/2021	V.Latha	B.A., B.Ed.,	14.06.2000	B.T.Assistant (History)
3	17388/2021	E.Grace @ M.Kalaiyarasi	B.Sc., B.Ed.,	09.10.2006	B.T.Assistant (Science)

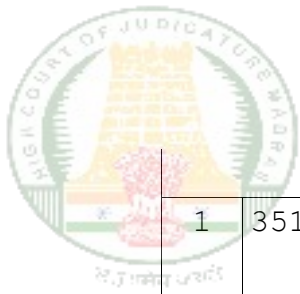


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4	17391/2021	G.Sabitha	B.Sc., B.Ed.,	02.06.2003	B.T.Assistant (Science-Physics)
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4. These petitioners have been waging to a war against the respondents since 2017. The petitioners had earlier filed the following Writ Petitions for the following relief:-

2017				
Sl. No.	W.P.No.	Name of the Petitioner	Prayer	Status
1	16147/2017	E.Grace @ M.Kalaiyarasi	For issuance of a Writ of Mandamus to direct the first respondent to regularize the services of the petitioners as B.T. Assistants in the second respondent School.	Dismissed as withdrawn at the sate of admission without liberty to filed fresh proceedings / case.
2	16148/2017	G.Margaret Malini		
3	16149/2017	G.Sabitha		
4	16150/2017	V.Latha		
5	17471/2017	G.Margaret Malini	For issuance of a Writ of Mandamus to direct the first respondent to seek approval of the fourth respondent to appoint the petitioner in the second respondent school against the sanctioned post of B.T. Assistants which are presently vacant, taking into consideration of the long years of service rendered by the petitioners and being fully qualified for appointment.	Pending before this Court
6	17472/2017	V.Latha		
7	17473/2017	E.Grace @ M.Kalaiyarasi		
8	17474/2017	G.Sabitha		



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2019				
1	35160/2019	G.Margaret Malini	For issuance of a Writ of Mandamus to direct the first respondent to pay monthly salary (consolidated pay) to the petitioner on par with that which is being paid to a permanent and regular B.T. Assistants in the same cadre and having similar experience and responsibilities, during the period of contract.	Disposed by an order dated 27.01.2020
2	35163/2019	E.Grace @ M.Kalaiyarasi		
3	35164/2019	G.Sabitha		
4	35165/2019	V.Latha		
2020				
1	14930/2020	G.Margaret Malini	For issuance of Writ of Certiorarified Mandamus to call for the records of the first respondent dated 15.04.2020 and to quash the same with direction to the respondents to continue to engage the petitioners as B.T. Assistants in the second respondent School.	Pending before the learned Single Judge
2	14932/2020	V.Latha		
3	14934/2020	E.Grace @ M.Kalaiyarasi		
4	14935/2020	G.Sabitha		

5. The Writ Petitions which were filed in the year 2019 (i.e. W.P.Nos.35160, 35163, 35164 & 35165 of 2019) were disposed by this Court by an order dated 27.01.2020 with the following observations:-

22.In the result, all the writ petitions are allowed and the respondents are directed to pay the monthly salary on par with the basic pay of the regularly employed B.T. Assistants every month to the petitioners. The petitioners are entitled to be paid the arrears of the difference in the salary from June 2019 till January 2020 within a period of six weeks from the date of receipt of copy of this order. The



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respondents are further directed to pay the monthly salary to the petitioners from February 2020 on par with the basic pay of the regularly employed B.T. Assistants till the end of the contractual period. This Court is not inclined to extend the benefits beyond the contractual period, since, the right of the petitioners to continue in the school is already a subject matter of challenge in W.P.No.17471 to 17474 of 2017 and the petitioners will have to independently workout their remedy in those writ petitions. No Costs. Consequently, connected miscellaneous petitions are closed.

6. It is submitted that services of similarly placed persons like the petitioners have been regularized and their appointment were considered as a regular appointment. However, in the case of the petitioners, they respondents have sought approval of the Chief Educational Officer to regularize the service of the petitioners which has been denied without any reason. The petitioners have been working continuously for about two decades and said to possess requisite qualifications for the above said post.

7. It is submitted that the petitioners have also sent several representations to the respondents to regularize their services, but, there was no response. The petitioners submit that they have received several accolades for having rendered 100% pass results along with similarly placed teachers (whose appointment has been regularized)

8. The petitioners field W.P.Nos.17471 to 17474 of 2017 for appointing the petitioners against sanctioned post of B.T. Assistants in second respondent school as they were fully qualified for such appointment. The petitioners subsequently filed a W.M.P.Nos.7582 to 7585 of 2018 before this Court to direct the first respondent to not terminate their services as the contract would expire on 30.04.2018. By an order dated 24.04.2018, this court directed to permit the petitioners to continue in services for the academic year 2018-2019 on a contract basis upto 30.04.2019.

9. The respondents renewed the petitioner's contract till 30.04.2020 with the same consolidated pay. It is submitted that the respondents ought to have regularized the services of the petitioners as permanent appointment.

10. Meanwhile, the petitioners filed W.P.Nos.35160, 35163, 35164 & 35165 of 2019 of 2019 before this Court seeking a direction to the respondents to pay the monthly salary equal to



the permanent and regular B.T. Assistants during the period of contract. This writ petition was allowed by the Hon'ble Court vide order dated 27.01.2020 and the Court held that the petitioners were entitled to be paid the arrears of the difference in the salary from June 2019 till January 2020 within a period of six weeks.

11. It is the case of the petitioners that the first respondent had attempted to relieve them from the services by separate orders dated 15.04.2020 in a vindictive manner as the petitioners had approached this Court. It is submitted that the Court decided in favour of the petitioners. Thereafter, the petitioners filed W.P.Nos.14930, 14932, 14934 & 14935 of 2020 to quash the relieving orders all dated 15.04.2020 and consequently appoint the petitioners as BT Assistants in the second respondent school.

12. The second respondent school re-appointed the petitioners into service by issuing separate orders dated 10.02.2021 to the petitioners in W.P.Nos.17380 & 7388 of 2021 and orders dated 12.02.2021 to the petitioners in W.P.Nos.17384 & 17391 of 2021 for a period upto 2020-2021. According to the petitioner in W.P.No.17380 of 2021, another order was passed engaging the petitioners for a period of 3 months w.e.f from 01.07.2021 on contract basis.

13. It is submitted that out of 11 sanctioned posts, only 4 posts (Social Science - 2 and Science - 2) were vacant at the time of filing the writ petitions. However, the 4 vacant posts are now being rapidly filled up (one post of Social Science) has been filled up Secondary Grade Teacher by procedure). It is submitted that another Secondary Grade Teacher who has acquired the B.T. Assistant has applied for the promotions to the post of B.T. Assistant (Social Science) and if she is appointed by ignoring the petitioners in W.P.Nos.17380 & 17384 of 2021, the sole vacant post in the Social Science category will be exhausted and the claim of these petitioner will be defeated. If these posts are to be filled up without considering the petitioners, then the Writ Petition itself become infructuous.

14. It is also submitted that the first respondent advertised under the title of "a walk-in interview" calling for appointment on contract basis for a period of 11 months for various subjects. In that Recruitment Notification, 5 posts for Social Science (History & Geography) have been advertised and 7 posts for Science (Botany, Zoology, Physics and Chemistry) have been advertised. Further, on verification of the Recruitment Notification in the website, the petitioners came to know that apart from educational qualification, 60% in TET is also



mandatory. The TET has been introduced only by way of the NCET by Notification dated 23.08.2010.

15. Therefore, the petitioners submit that if the selection is made as per the impugned Recruitment Notification, the petitioner's chances of appointment will be closed and all years of experience and service will be ignored apart from defeating the petitioner's rights in the Writ Petitions.

16. The petitioners have relied on the decision of the Court in Chief Educational Vs. Nadar Saraswathi Higher Secondary School, (2017) 4 CTC 1, wherein, it has held that in the case of any appointment in any Non-Minority Institution, prior permission of the competent authority is necessary in terms of Rule 15 of the Rules.

17. Appearing on behalf of the respondents, the learned counsel for the respondents submits that the petitioners were not appointed through regular employment as Teachers they have been appointed only on contractual basis. The learned counsel for the respondents submits that all the staffs of Cantonment Board School are paid salaries under the Cantonment Fund Servant Rules of 1937 and therefore, submits that the Writ Petitions are liable to be dismissed.

18. Heard the learned counsel for the petitioners and the learned counsel for the respondents. I have perused the evidence on record and the impugned Recruitment Notification issued by the first respondent.

19. The point that arises for consideration in these writ petitions is whether the respondents can be forced to continue to retain the petitioners in services on consolidated pay? and, whether the petitioners can interfere with the recruitment process announced by the respondent vide Advertisement No. STM/ADM/1520 dated 09.08.2021 published in various newspapers including The Hindu, Chennai Edition on 11.08.2021?

20. The petitioners were appointed on contract basis and have been paid a consolidated salary all through. They have put service for about two decades on temporary basis and yet their appointment have not been regularized and are still getting a consolidated salary.

21. The Hon'ble Supreme Court in Secretary, State of Karnataka and others Vs. Umadevi (3) and others, (2006) 4 SCC 1, has frowned upon the practice of recruiting persons through the outside the realm of Public Service Commission. This view was recently reiterated by the Hon'ble Supreme Court in Union of India and others Vs. IlmoDevi and Another, 2021 SCC OnLine Sc 899, wherein, the Court observed that part-time employees are



not entitled to seek regularization as they are not working against any sanctioned post and that there cannot be any permanent continuance of part-time temporary employees.

22. The above decision of the Hon'ble Supreme Court in Umadevi case referred to supra was however distinguished by the Hon'ble Supreme Court in Sheo Narain Nagar and others Vs. State of Uttar Pradesh and others, (2018) 13 SCC 432. The Hon'ble Supreme Court in IlmoDevi case referred to supra has not taken note of the decision of the Sheo Narain Nagar case referred to supra, wherein, it was held as follows:-

" 7. When we consider the prevailing scenario, it is painful to note that the decision in Umadevi (3) [State of Karnataka v. Umadevi(3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] has not been properly understood and rather wrongly applied by various State Governments. We have called for the data in the instant case to ensure as to how many employees were working on contract basis or ad hoc basis or daily-wage basis in different State departments. We can take judicial notice that widely aforesaid practice is being continued. Though this Court has emphasised that incumbents should be appointed on regular basis as per rules but new devise of making appointment on contract basis has been adopted, employment is offered on daily-wage basis, etc. in exploitative forms. This situation was not envisaged by Umadevi (3) [State of Karnataka v. Umadevi(3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . The prime intendment of the decision was that the employment process should be by fair means and not by back door entry and in the available pay scale. That spirit of the Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] has been ignored and conveniently overlooked by various State Governments/authorities. We regretfully make the observation that Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] has not been implemented in its true spirit and has not been followed in its pith and substance. It is being used only as a tool for not regularising the services of incumbents. They are being continued in service without payment of due salary for which they are entitled on the basis of Articles 14, 16 read with (1983) 1 SCC 305 : 1983 SCC (L&S) 145 : AIR



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1983 SC 130] , from cradle to grave. We have to strike a balance to really implement the ideology of Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . Thus, the time has come to stop the situation where Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] can be permitted to be flouted, whereas, this Court has interdicted such employment way back in the year 2006. The employment cannot be on exploitative terms, whereas Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] laid down that there should not be back door entry and every post should be filled by regular employment, but a new device has been adopted for making appointment on payment of paltry system on contract/ad hoc basis or otherwise. This kind of action is not permissible when we consider the pith and substance of true spirit in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] ."

23. Incidentally, the Hon'ble Supreme Court while dealing with an identical situation in All Manipur Regular Posts Vacancies Substitute Teachers Association Vs. State of Manipur, 1991 Supp (2) SCC 643 has granted relief to the petitioner therein. The fate of the teachers who were working for several years on consolidated salary was considered. The order of the Hon'ble Supreme Court reads as under:-

1. Special leave granted. Intervenor's application filed in Special Leave Petition No. 6121 of 1990 is also allowed.

2. This appeal concerns with the problem of regularisation of substituted/ad hoc teachers in the Education Department of the State of Manipur. They have been in service for the past several years. The State Government however has refused to regularise their services, instead they took steps for direct recruitment. The services of the members of the appellants' association were also sought to be terminated. Thereupon the appellants moved the High Court for relief under Article 226 for staying the direct recruitment and also seeking a direction to regularise their services. The High Court issued a rule nisi in the writ petition but refused to grant any interim relief.



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3. This appeal has been preferred against the order of the High Court denying the interim relief to the appellants. During the pendency of this appeal, there were some more writ petitions filed before the High Court. In one of those cases, the High Court has directed the DPC to publish the result of the direct recruitment, and in another case, it appears that the High Court has issued an order staying the direct recruitment.

4. It is said that there are more than one thousand substituted teachers who have been recruited from 1981-82. It appears that they were allowed to appear before the DPC for direct recruitment and in that process 23 of them were selected by the DPC for direct recruitment, but they could not also be regularly appointed in view of the stay order of the High Court.

5. If the direct recruitment takes place on one hand and substituted teachers are also directed to be regularised subsequently, it would create an enormous problem for the department to accommodate both the categories of persons. Taking all these factors into consideration, this Court made an order dated May 2, 1990 directing the State Government to consider the case of regularisation of the appellants before making direct recruitment. But the government did not take any action. On October 9, 1990 the Court made a further order to implement the order dated May 2, 1990 within two weeks from that date failing which the Secretary, Education Department should be present personally for facing contempt proceedings. Pursuant thereto, the Secretary of Education is personally present before us today.

6. Mr Venugopal, learned senior advocate appeared for the State. He also explained the genesis of the case and the problem of the department for regularising the services of all the substituted teachers. Having heard counsel on both sides, it appears to us that it is necessary to make the following order to avoid further litigation and also to avoid seemingly conflicting interim orders issued by the High Court.



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- (1) All substituted/ad hoc teachers who have put in five years of service or more as on October 1, 1990 shall be regularised without any DPC. This regularisation would be subject to their possessing the required qualifications at the time of their initial appointment.
- (2) The substituted/ad hoc teachers who have rendered less than five years of service as on October 1, 1990 shall be allowed to appear before the DPC for selection. The DPC shall be constituted exclusively for them within three months from today. Those who are selected by the DPC shall be regularised immediately thereafter.
- (3) Twenty-three substituted/ad hoc teachers who have been already selected by the DPC shall be regularly appointed forthwith retaining their present seniority.
- (4) All the substituted/ad hoc teachers who are in service as on today shall be allowed to continue in service till the DPC declares its result of the selection. The services of those who do not appear before DPC or could not be selected by the DPC could be terminated unless their services are required for a further period.
- (5) It is said that the DPC earlier convened has selected some persons for direct recruitment. If there are additional vacancies in addition to those which are being occupied by the substituted/ad hoc teachers, they may straightway be appointed against those vacancies and the remaining if any may be appointed after the DPC completes the process of selection of substituted/ad hoc teachers for regularisation depending upon the vacancy position.
- (6) As to the seniority between the direct recruits and the regularised candidates, we make it clear that the direct recruits other than those mentioned in para (3) above, shall be ranked below all the regularised candidates.

7. This order shall govern all those who are in service as substituted/ad hoc teachers. It



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shall also govern all pending litigations before the High Court or any other tribunal. The concerned parties shall move the High Court or the tribunal to dispose of the pending litigations accordingly.

24. The above view of the Hon'ble Supreme Court is apt and is applicable to the facts of the present cases. It is not fair on the part of the respondents to keep the petitioners on tenterhooks on temporary basis eternally by not confirming their appointment as regular teachers of the School.

25. In Karnataka State Private College Stop-Gap Lecturers Association Vs. State of Karnataka and others, (1992) 2 SCC 29, the Hon'ble Supreme Court observed as under:-

5. Another obnoxious part is the emoluments that have been paid to the temporary teachers. The order provides that the teacher shall be paid a fixed salary which is ten rupees less than the minimum payable to regular employee. This method of payment is again beyond comprehension. An appointment may be temporary or permanent but the nature of work being same and the temporary appointment may be due to exigency of service, non-availability of permanent vacancy or as stopgap arrangement till the regular selection is completed, yet there can be no justification for paying a teacher, so appointed, a fixed salary by adopting a different method of payment than a regular teacher. Fixation of such emoluments is arbitrary and violative of Article 14 of the Constitution. The evil inherent in it is that apart from the teachers being at the beck and call of the management are in danger of being exploited as has been done by the management committees of State of Karnataka who utilised the services of these teachers for 8 to 10 years by paying a meagre salary when probably during this period if they would have been paid according to the salary payable to a regular teacher they would have been getting much more. Payment of nearly eight months' salary, by resorting to clause 5, and, that too fixed amount, for the same job which is performed by regular teachers is unfair and unjust. A temporary or ad hoc employee may not have a claim to become permanent without facing selection or being absorbed in accordance with rules but no discrimination can be made for



same job on basis of method of recruitment. Such injustice is abhorrent to the constitutional scheme.

26. The Hon'ble Supreme Court in the above case further observed as follows:-

6. While deprecating direction by the government to break service for a day or two and paying fixed salary to temporary employees we must condemn the practice of management of not making regular selection utmost within six months of occurrence of vacancy. Nor the helplessness of government can be appreciated as expressed in the counter-affidavit that despite orders the management continued with it. If the government could not take effective measure either by superseding the management or stopping grants-in-aid then either it was working under pressure from management of the private aided institutions or it was itself interested in continuing such unfortunate state of affairs. In either case the equities have been created because of doings of State itself, therefore, it should resolve it. One such method was adopted by the High Court in individual petitions filed by the teachers by directing the Director of Education to hold selection. In pursuance of it some of the teachers have been regularised. But substantial number still remain due to State's going back on its agreement before the Court by creating obstacles in implementation of the order. Many of them who have faced selection and have secured higher marks and are in zone of selection are being denied the benefit because it is claimed that such regularisation would be contrary to reservation policy of the State. The policy is under challenge in another proceedings in the Court. Without entering into validity of the policy which according to petitioner results in cent per cent reservation we are of opinion that such practice should be put an end to, therefore, following directions are necessary to be issued:

- (1) Provision in clause 5 of one day's break in service is struck down as ultra vires.
- (2) Orders for payment of fixed salary to temporary teachers is declared invalid. But it shall operate prospectively. A teacher appointed temporarily shall be



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paid the salary that is admissible to any teacher appointed regularly.

- (3) Any teacher appointed temporarily shall be continued till the purpose for which he has been appointed exhausts or if it is in waiting of regular selection then till such selection is made.
- (4) Managements shall take steps, whenever necessary, to fill up permanent vacancies in accordance with rules. Delay in filling up the vacancies shall not entitle the management or Director to terminate the services of temporary teachers except for adequate reasons. But it shall entitle the government to take such steps including supersession of management or stopping grants-in-aid if permitted under law to compel the institutions to comply with the rules.

7. So far as these petitioners and teachers similarly situated are concerned, it could not be disputed that many of those teachers who appeared for selection in pursuance of the High Court order secured sufficiently high marks but they could not be regularised because the vacancies are said to be reserved. But what has been lost sight of is that petitioners are seeking regularisation on posts on which they have been working and not fresh appointments, therefore, they could not be denied benefit of the High Court's order specially when no such difficulty was pointed out and it was on agreement by the respondents that the order was passed. No material has been brought on record to show that any action was taken prior to decision by the High Court against any institution for not following the reservation policy. To deny therefore the benefit of selection held on agreement by the respondents is being unjust to such selectees. Further the State of Karnataka appears to have been regularising services of ad hoc teachers. Till now it has regularised services of contract lecturers, local candidates, University lecturers, Engineering colleges' lecturers etc. It may not furnish, any basis for petitioners to claim that the State may be directed to issue similar order regularising services of teachers of privately managed colleges. All the

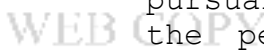


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same such policy decisions of government in favour of one or the other set of employees of sister department are bound to raise hopes and expectations in employees of other departments. That is why it is incumbent on governments to be more circumspect in taking such decisions. The petitioners may not be able to build up any challenge on discrimination as employees of government colleges and private colleges may not belong to the same class yet their claim cannot be negated on the respondents' stand in the counter-affidavit that the regularisation of temporary teachers who have not faced selection shall impair educational standard without explaining the effect of regularisation of temporary teachers of University and even technical colleges. Such being the unfortunate state of affairs this Court is left with no option but to issue following directions to respondents for not honouring its commitments before the High Court and acting contrary to the spirit of the order, and also due to failure of government in remaining vigilant against private management of the college by issuing timely directions and taking effective steps for enforcing the rules:

- (1) Services of such temporary teachers who have worked as such for three years, including the break till today shall not be terminated. They shall be absorbed as and when regular vacancies arise.
- (2) If regular selections have been made the government shall create additional posts to accommodate such selected candidates.
- (3) The teachers who have undergone the process of selection under the directions of the High Court and have not been appointed because of the reservation policy of the government be regularly appointed by creating additional posts.
- (4) From the date of judgment every temporary teacher shall be paid salary as is admissible to teachers appointed against permanent post.
- (5) Such teachers shall be continued in service even during vacations.

27. The above observations aptly apply to the facts of the present case. The Hon'ble Supreme Court has frowned upon the attitude of the Government to break service and condemned the



28. Even if the vacancies are filled up by the respondents pursuant to the impugned Recruitment Notification, the rights of the petitioners to continue in service has to be protected pending other writ proceedings. The rights of the petitioners to continue in service is to be decided in the other pending Writ Petitions. Therefore, the petitioners cannot be ousted from services.

30. Therefore, the respondents are directed to allow the petitioners to continue in service subject to the out come of the other Writ Petitions pending before this Court. The respondents may consider paying the petitioner higher salaries on par with other teachers pending disposal of the connected Writ Petitions.

Sd/-
Assistant Registrar (CS-V)

Sub Assistant Registrar

1. The Chief Executive Officer,
Cantonment Board,
St. Thomas Mount cum Pallavaram,
Chennai - 600 016.



2. The Head Master,
Dr.M.G.R.Cantonment Board High School,
St. Thomas Mount cum Pallavara,
Chennai - 600 016.

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3. The Head Master,
Cantonment Board High School,
(Now Known as Arignar Anna Cantonment Board
High School),
Pallavaram, Chennai - 43.

+4cc to M/s.King and Partridge, Advocate, S.R.No.17212, 17213,
17214, 17215

+1cc to Mr.N.Kavitha Rameshwar, Advocate, S.R.No.17139

W.P.Nos.17380, 17384, 17388
& 17391 of 2021 and
W.M.P.Nos.18431,18432, 18434,
8436, 18437, 18439, 18442, 18443,
18444,18447,18449, 18450 of 2021

GPL (CO)
RGA (29/03/2022)