



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:28.01.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

CONT P(MD)No.729 of 2021

G.John Godwin

... Petitioner/Petitioner

vs.

1.Renuga,
District Elementary Educational Officer,
Now District Educational Officer,
Tirunelveli District.

2.Ramachandran,
Assistant Elementary Educational Officer,
Now Block Educational Officer,
Palayamkottai Urban,
Tirunelveli District.

... Contemnors/Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for willfully disobeying and not complying with the order of this Court, dated 15.03.2019, in W.P. (MD)No.4133 of 2018.

Prayer in WP(MD). 4133/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to approve the appointment of the petitioner as Tamil Pandit from the date of appointment i.e.,22/06/2016 with all the consequential benefits as per the proposal submitted by the 3rd respondent dated 29/12/2017 .

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.D.Sasi Kumar

Additional Government Pleader

O R D E R

The Writ Petition was filed with a prayer of Writ of Mandamus, to direct the respondents to approve the appointment of the petitioner as Tamil Pandit from the date of appointment, i.e., 22.06.2016 with all consequential benefits as per the proposal submitted by the third respondent, dated 29.12.2017. This Court passed the following order:

"8. However, considering the fact that the issue involved in these Writ Petitions, have already been decided by this Court in a number of cases, the Government authorities are directed to grant approval to the petitioners at the earliest. As and when the



approval is granted and deployment order is passed considering the surplus strength, such deployment order has to be given forthwith by the Management with immediate effect."

WEB COPY

2.The issue of appointment of surplus teachers were considered by the latest judgment in Writ Appeal W.A. (MD) No.76 of 2018. The surplus strength in Tamil Nadu is more than 6,000 for the post of for Secondary Grade Teaches and B.T. Assistants. As the Government is incurring huge financial loss, the Division Bench of this Court has issued certain directions to the Management as well as to the Government. One such direction is that the corporate management ought to deploy the surplus teachers within the corporate management. The petitioner is working in T.D.T.A. Middle School, Manarkadu. This T.D.T.A. is a Corporate management. Unless and until the surplus teachers within the said corporate management is deployed, the management is not entitled to approval of teachers who were appointed under the category of surplus teachers.

3. It is also submitted that the government has preferred SLP against the order passed in W.A. (MD) No. 76 / 2018 and the same is pending.

4. The contemnors could not grant any approval because of the huge financial loss to the Government and in the Division Bench, it has been directed that unless the surplus teachers are properly deployed no fresh recruitments can be granted approval.

5. Therefore, this Court is of the considered opinion that there is no deliberate disobedience of the order of this Court. However, the respondents are directed to implement the directions stated in the W.A.(MD)No.76 of 2018 and direct the management to deploy all the surplus teachers in the available vacancies with immediate effect. If the surplus teachers are deployed fully, thereafter, the respondents are directed to consider the appointment of the petitioner.

6.With the above direction, the Contempt Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg



To

1.The District Elementary Educational Officer,
Tirunelveli District.

2.The Assistant Elementary Educational Officer,
Palayamkottai Urban,
Tirunelveli District.

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SRR (CO)

KB (25.02.2022) 3P 3C