



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)Nos.14906 & 14907 of 2019

and

WMP(MD)Nos.11422, 11423, 11424 of 2019

The Correspondent
St.Joseph's Higher Secondary School,
Keezha Asaripallam – 629 201

... Petitioner in both cases

v.

- 1.The Director of School Education,
College Road, Chennai – 600 006.
- 2.The Joint Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Kanyakumari at Nagercoil, Kanyakumari District.
- 4.The District Educational Officer,
Thuckalay – 629 175.

... Respondents 1 to 4
in both cases

5.P.Brida Rani

...5th respondent in
WP(MD)No.14906 of 2019

Prayer in WP(MD)No.14906 of 2019 : Writ 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 proceeding issued by the second respondent Joint Director in Na.Ka No.8906/W5/E1/2019 dated 29.05.2019 and quash the same.



Prayer in WP(MD)No.14907 of 2019 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 3 and 4 herein to approve forthwith the promotion of J.Crossious Marianayagam as P.G.Assistant (Tamil) in the petitioner school w.e.f., 01.07.2015 with salary and all attendant benefits.

For Petitioner
in both cases : Mr.K.Ragatheeshkumar

For R1 to R4
in both cases : Mr.J.Ashok,
Additional Government Pleader

R5 in WP(MD)No.14906 of 2019 – no appearance

ORDER

WP(MD)No.14906 of 2019 : -

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4. Though the name of the fifth respondent is printed in the cause list, there is no appearance on behalf of her. Her counsel also reported no instructions.

2.The fifth respondent Brida Rani was working as Primary School Headmistress in St.Mary's Primary School, Asaripallam. It is coming under the corporate management of Kottar RC Diocese. The said school was closed down and the corporate management took steps to accommodate the petitioner in some other school run by them. But it



was not acceptable by her. That led to filing of writ petitions. One such proceeding instituted by the fifth respondent herein came up before me in Cont P(MD)No.2011 of 2017. Taking note of the special facts and circumstances, I directed the educational authorities as well as the school management to permit the petitioner fifth respondent to join in Luthren Primary School, Kattukadai, Karungal Range as Secondary Grade Teacher on 02.04.2018. The specific stand of the management is that the fifth respondent did not adhere to the said direction. Instead, she moved the second respondent and the second respondent passed the impugned order dated 29.05.2019. The second respondent had directed that the fifth respondent shall be permitted to join as P.G Assistant (Tamil) in the petitioner school. Challenging the same, WP(MD)No.14906 of 2019 has been filed.

3.The learned counsel for the petitioner points out that the fifth respondent was working only as Headmistress in a primary school. P.G Assistant is a separate post by itself and the fifth respondent appears to have acquired the necessary qualifications during the intervening period after Asaripallam School was closed. Be that as it may, the management never selected fifth respondent as P.G Assistant (Tamil). Therefore, the



WEB

second respondent could not have straightaway issued direction to the management to accommodate the fifth respondent as P.G Assistant (Tamil) in the petitioner school. On the face of it, the impugned order is without jurisdiction. When notice was issued to the management, they pointed out that one Crossious Marianayagam was already working as P.G Assistant (Tamil) and that therefore, it is not possible to accommodate the fifth respondent herein in the said post. They also drew the attention of the second respondent to the order dated 28.03.2018 made in Cont P(MD)No.2011 of 2017. Without taking note of these aspects, the impugned order has been passed. It is liable to be set aside. It is accordingly set aside. The writ petition is allowed.

WP(MD)No.14907 of 2019 : -

The second respondent is directed to consider the petition mentioned proposal seeking approval of the appointment made to one Crossious Marianayagam as P.G Assistant in the petitioner school with effect from 01.07.2015 within a period of twelve weeks from the date of receipt of copy of this order. It is made clear that I have not gone into the merits of the matter. It is open to the authority to pass order one



way or the other. The writ petition is disposed of.

WEB COPY

No costs. All connected miscellaneous petitions are closed.

22.11.2022

Index : Yes / No

Internet : Yes/ No

skm

To

- 1.The Director of School Education,
College Road, Chennai – 600 006.
- 2.The Joint Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Kanyakumari at Nagercoil, Kanyakumari District.
- 4.The District Educational Officer,
Thuckalay – 629 175.

G.R.SWAMINATHAN, J.

skm



WEB COPY



WP(MD)Nos.14906 & 14907 of 2019

22.11.2022