



W.P(MD)No.20563 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20563 of 2022

S.Grace Sugandhi

... Petitioner

Vs.

1.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

2.The Block Educational Officer,
Manur @ Rastha,
Tirunelveli.

3.The Manager,
Moorthi Primary School,
Kandiaperi,
Thatchanallur Post,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.2421/Aa2/ 2020 dated 31.03.2021 issued by the 1st respondent and quash the same as arbitrary, illegal and against the Principles of Natural Justice and consequently direct the 1st respondent to approve the appointment of the petitioner as Headmistress of the 3rd respondent's Moorthi Primary School, Kandiaperi, Thatchanallur Post,



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Tirunelveli District as per the communication issued by the 3rd respondent dated 15.11.2016.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.N.Satheeskumar,
Addl. Government Pleader for R1 & R2.
No appearance for R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2. Though the school management has been served, they have not chosen to enter appearance.

2.The third respondent is an aided primary school. One John Samuel Nallathambi was working as Headmaster and he retired on 30.05.2016. It was a sanctioned post. In the resulting vacancy, the petitioner was appointed. The petitioner's appointment had not been approved till date. According to the impugned order, the educational certificate submitted by John Samuel Nallathambi turned out to be bogus. The management had been called upon to remit the salary grant disbursed in respect of John Samuel Nallathambi's salary. Since the management has not complied with the said direction, the department has declined to approve the petitioner's appointment.



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3.I am not able to appreciate the stand taken by the department. It is not in dispute that the petitioner was appointed only as against a sanctioned vacancy. The petitioner's eligibility is also not in question. Merely because, the previous Headmaster had obtained appointment by producing bogus certificates, the same cannot be put against the writ petitioner.

4.In this view of the matter, the order impugned in this writ petition is set aside and the first respondent is directed to approve the writ petitioner's appointment with effect from 01.06.2016. The salary grant will be disbursed within a period of eight weeks from the date of receipt of a copy of this order.

5.The department is entitled to pursue the matter as regards the salary grant disbursed in favour of Mr.John Samuel Nallathambi. Vide order dated 08.08.2018 in W.P.(MD)No.12930 of 2017, it had been categorically found that his credentials were bogus. Therefore, it is for the department to take appropriate action in accordance with law. I am certain that provisional pension or subsistence allowance is not continued to be paid. I hope and trust that Mr.John Samuel Nallathambi is not receiving any provisional pension or subsistence allowance. If such any amount is being received, the department is directed to stop the same forthwith. I am conscious that Mr.John Samuel



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Nallathabmi is not a party to the writ proceedings but this direction is issued based on the earlier order dated 08.08.2018 made in W.P.(MD)No.12930 of 2017.

6.The writ petition is allowed accordingly. No costs.

16.11.2022

Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Educational Officer,
Tirunelveli District,
Tirunelveli.
- 2.The Block Educational Officer,
Manur @ Rastha,
Tirunelveli.



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G.R.SWAMINATHAN, J.

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