



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.01.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY
W.P. (MD)No.19027 of 2014

WEB COPY

T.Indu Priya

... Petitioner

vs

1. The Secretary to the Government,
State of Tamil Nadu,
Educational Department (Elementary),
Chennai - 600 009.

2. The Director of Elementary Education,
College Road,
Chennai - 600 009.

**(*)3. The District Educational Officer,
Srivilliputhur**

4. The Assistant Elementary Educational Officer,
Rajapalayam - 626 117.

5. K.Soundararajan

**(*)Education Agency of Saraswathi Primary School,
Muthusampuram, Mugavoor,
Rajapalayam Taluk,
Viruthunagar District.**

... Respondents

*(R5 impleaded, vide Court order, dated 20.03.2020
in M.P. (MD)No.1 of 2015 in W.P. (MD)No.19027
by VBDJ)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to approve the appointment of T.InduPriya as Secondary Grade Teacher at Saraswathi Primary School, Muthusamy Puram, Mugavoor - 626 111, Virudhunagar District with effect from 16.08.2010 with all monetary benefits including the arrears of salary as per representation made by the school on 16.08.2010.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.D.Sachi Kumar for R1 to R4
Additional Government Pleader
Mr.E.V.N.Shiva for R5



ORDER

The petitioner is praying for a issuance of Writ of Mandamus, to direct the third respondent to the approve the appointment of the petitioner with effect from 16.08.2010.

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2. The petitioner has passed Diploma in Teachers Education and she was appointed in the fifth respondent School on 16.08.2010.

3. The fifth respondent has filed a detailed counter narrating the entire history. Instead of going into the history of dispute, it is sufficient to decide the issue referring to the order passed in the writ petition in W.P.(MD)No.1262 of 2008. This Court, vide order, dated 08.10.2009, directed the contesting respondent, namely, Subbulakshmi, shall continue to function as a Secretary of the Institution. However, it was made clear that she can administer the day-to-day administration of the Institution but the said Subbulakshmi shall not effect any appointment to fill up any vacancy which had arisen or may arise. But by disobeying the order passed in the writ petition, the said Subbulakshmi has appointed the petitioner on 16.08.2010 and therefore the appointment of the petitioner is against the order of this Court.

4. This Court deems fit, directing the petitioner to approach the Educational Agency, namely, the fifth respondent, to consider her appointment. The fifth respondent is directed to form School Committee and consider the petitioner's claim. If the petitioner is having necessary educational qualification and other qualifications and eligible to be appointed in the post, the fifth respondent shall consider to continue the appointment of the petitioner. If the School Committee is coming to the conclusion that the appointment of the petitioner shall be continued, then the petitioner is eligible for all salary and other benefits. Once the School Committee approves it, the official respondents shall approve the appointment of the petitioner. The said exercise shall be completed by the fifth respondent within six weeks from the date of receipt of a copy of this order and the official respondent shall grant approval within two weeks thereafter.

5. With the above direction, the Writ Petition is disposed of. No costs.

SD/-
07.01.2022

(*)This Writ Petition was listed under the caption "For Clarification".

2.The learned Counsel appearing for the petitioner submitted that there is a bifurcation in the District Elementary Office,
<https://hcservices.ecourts.gov.in/hcservices/>



Virudhunagar and presently, the jurisdictional authority is District Educational Officer, Srivilliputhur. Therefore, this Court has directed the Official respondents including the third respondent. Now it is reorganized as District Educational Officer, Srivilliputhur.

3.The second modification the petitioner prayed for is the fifth respondent is the educational agency and the fifth respondent would form the School committee. However, the Official respondents ought to grant approval of the School committee. Then only, the School committee would be able to approve the appointment of the petitioner.

4.Therefore,, this Court directs the Official respondents to approve this School Committee, if it is submitted by the fifth respondent.

5.With these two directions, the order is modified. The Registry is directed to issue fresh order copy.

Sd/-

Assistant Registrar (CS II)

(*) Amended as per the order of this court dated 03.02.2022 made in WP(MD).No. 19027 of 2014

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar()

jbr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of 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

1. The Secretary to the Government,
State of Tamil Nadu,
Educational Department (Elementary),
Chennai - 600 009.

2. The Director of Elementary Education,
College Road,

<https://hcservices.ecourts.gov.in/hcservices> 600 009.



3. The District Educational Officer,
Virudhunagar - 626 002.

4. The Assistant Elementary Educational Officer,
Rajapalayam - 626 117.

5. K.Soundarajan,
Educational Agency of Saraswathy Primary School,
Muthusamy Puram,
Mugavoor-626 111.
Virudhunagar District.

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-4597[F] dated 07/02/2022)

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-1163[F] dated
11/01/2022)

**+1 CC to M/s.SPL GP (SR-1273[F] dated 11/01/2022 & SR-4557[F] dated
07/02/2022)**

W.P. (MD) No.19027 of 2014
07.01.2022

MGJ(03.03.2022) 4P 9C

NSN(CO)
KB(11.03.2022) 4P 9C