



WA(MD)No.802 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

WA .(MD)Nos.802 and 803 of 2013
and M.P.Nos.1 and 1 of 2013

Rani Vavolina Julius

.. Appellant/
8th respondent
in W.A.No.802

Vergilin Krenap

.. Appellant/
8th respondent
in W.A.No.803

Vs.

- 1.G.Nancy Sellakumari
- 2.Director of Collegiate Education
EVK Sampath Maligai
College Road, Chennai 600 006.
- 3.The Joint Director of Collegiate Education
Perumalpuram, Tirunelveli 627 007.
- 4.The Registrar
The Manonmaniam Sundaranar University
Tirunelveli 627 012.



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5. Director of Tirunelveli
through its Bishop
Bishop Stowe
North High Grounds Road,
Palayamkottai, Tirunelveli 2

6. Tirunelveli Diocese Trust Association,
Through its Treasurer, Rev.J.Selwyn Jeyaraj

7. The Manager,
TDTA Colleges
16 North High Grounds Road
Palayamkottai, Tirunelveli 2

.. Respondents in
both appeals

8. Rajan Sundarakumar

.. Respondent
in WA No.802

8. ADJC. Dhinakar

.. Respondent
in WA No.803

Appeals are filed under Clause 15 of Letters Patent Act against the order dated 28.05.2009 passed by this Court in WP(MD) Nos.10133 and 10131 of 2008.

For Appellants	: Mr.K.Ragatheesh Kumar for M/s.Isaac Chambers
For Respondents	: Mr.A.Kannan for R2& R3 Additional Government Pleader Mr.G.Prabhu Rajadurai for R5 to R7 No appearance R1,R2,R8 in both cases



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COMMON JUDGMENT

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[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

This writ appeal is directed against the order passed by the writ Court in W.P.(MD) Nos.10131 and 10133 of 2008 dated 28.05.2009.

2. The appellants were the Teachers claimed to have been appointed by the respondents Management/College. Those appointments were challenged before the writ Court by another set of Teachers, who were claimed to have been appointed by another set of management/college.

3. Those writ petitions filed opposing the appointment of the appellants were allowed and those writ petitions filed by the appellants and similarly placed persons to seek for approval were dismissed. As against those orders by way of common order dated 28.05.2009 passed in a batch of writ petitions by the writ Court already a batch of intra court appeals had been filed in WA(MD) Nos.253/2009 etc. batch as well as W.A(MD) Nos. 138/2009 etc. batch.



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4. The Division Bench of this Court, having heard the said batch of writ appeals, WA(MD) No.138/2009 batch were dismissed, however, W.A(MD) Nos.253 etc batch were allowed, by thus, the colleagues of the appellants, who filed writ appeals, were able to get favourable orders before the Division Bench, which passed order on 26.03.2010.

5. As against those orders, the College Management filed Special Leave Petitions, which were converted into Civil Appeal Nos.10478 to 10498 of 2011. Those civil appeals were heard and decided by the Hon'ble Supreme Court, by order dated 09.01.2019, where the Division Bench order was set aside and the order passed by the writ Court, ie., the learned Single Judge dated 28.05.2009 was confirmed/upheld by thus, all the Teachers, whose appointments are cancelled, lost their cases before the Hon'ble Supreme Court.

6. Insofar as these appeals are concerned, though they were suffered with an order of the learned single Judge, they could not file appeal immediately, but after condone delay, two appeals now before us came to be numbered only in the year 2013 and therefore, they are not covered by the



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said order of the Division Bench dated 26.03.2010.

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7. However, the fact remains that since the supreme Court has upheld the order of the learned single Judge, which is impugned in these writ appeals, by setting aside the order of the Division Bench cited supra, that judgment covers the issue raised in the appeals as these writ appeals also directed against the order of the learned single Judge dated 28.05.2009, which in fact, was confirmed by order of the Supreme Court.

8. In view of the same, these writ appeals also are liable to be rejected. Accordingly, they are dismissed. No costs. consequently connected Miscellaneous Petitions are closed.

(R.S.K.,J.) (K.K.R.K.,J.)
07.06.2023

Index : Yes/No

Internet : Yes

RR



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To

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EVK Sampath Maligai
College Road, Chennai 600 006.

2. The Joint Director of Collegiate Education
Perumalpuram, Tiruenelveli 627 007.



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