



W.P.(MD)Nos.2386 to 2388 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.2386 to 2388 of 2023

and

W.M.P(MD)Nos.2170, 2172, 2173, 2174, 2175 & 2176 of 2023

The Correspondent,
Bishop Heber Higher Secondary School,
Teppakulam – 620 002,
Tiruchirppalli District.

... Petitioner in W.P(MD)No.2386/2023

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 009.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
- 4.The District Educational Officer,
Trichy, Trichy District.

... Respondents 1 to 4 in all W.Ps



W.P.(MD)Nos.2386 to 2388 of 2023

5.The Correspondent,
R.C.Higher Secondary School,
Cantonment, Trichy – 620 001.

6.T.Sesuraj,
B.T.Assistant(History),
R.C.Higher Secondary School,
Cantonment, Trichy – 620 001.

... Respondent Nos.5 & 6 in W.P(MD)No.2386/2023

7.The Correspondent,
E.R.Higher Secondary School,
Chinthamani, Trichy.

8.S.Sivaganesan,
B.T.Assistant(Maths),
E.R.Higher Secondary School,
Chinthamani, Trichy.

... Respondent Nos.5 & 6 in W.P(MD)No.2387/2023

9.The Correspondent,
Bishop Heber Higher Secondary School,
Puthur, Trichy – 620 017.

10.Silvias Rajathi Navamlar,
B.T.Assistant (History),
Bishop Heber Higher Secondary School,
Puthur, Trichy – 620 017.

... Respondents 5 & 6 in W.P(MD)Nos.2388/2023



W.P.(MD)Nos.2386 to 2388 of 2023

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned proceedings of the third respondent CEO in Na.Ka.No.7300/A4/Aa4/2022 dated 25.01.2023, quash the same as illegal and void.

For Petitioner : Mr.K.Ragatheesh Kumar for
M/s.Isaac Chambers

For R1 to R-4 : Mr.S.Saji Bino,
Special Government Pleader

COMMON ORDER

Since the issue arise in these writ petitions is one and the same, these writ petitions are disposed of by way of this common order.

2. These writ petitions have been filed to quash the impugned proceedings of the third respondent in Na.Ka.No.7300/A4/Aa4/2022, dated 25.01.2023, as illegal and void.

3. The case of the petitioner is that the petitioner school is an aided Minority Educational Institution, in which, one post of B.T.,



W.P.(MD)Nos.2386 to 2388 of 2023

WEB COPY

Assistant(History), B.T., Assistant(Maths) and B.T., Assistant(English), fell vacant due to the retirement of the then incumbents. The petitioner school appointed qualified persons in the said posts. After appointment, the petitioner school forwarded a proposal seeking approval of appointment for the purpose of disbursement of grant-in-aid towards salary. The fourth respondent has returned the said proposal directing the school to resubmit the proposal enclosing a certificate to the effect that there is no surplus post in any other school under the very same management. The petitioner school resubmitted the proposal. Again the fourth respondent has returned the proposal directing to enclose the TET certificate for the incumbent appointed. Against which, a separate writ petition was filed. While being so, third respondent passed the impugned order, dated 25.01.2023, deputing the 6th respondents, who are serving in the fifth respondent schools, in the petitioner school treating the above stated posts as vacant posts. Challenging the same, the petitioner has filed these writ petitions with the aforesaid prayer.



W.P.(MD)Nos.2386 to 2388 of 2023

WEB COPY

4. The learned counsel appearing for the petitioner would submit that in respect of the present three writ petitions, in one writ petition, redeployment order is within the same corporate management and in other two writ petitions, the deployment is from other management to petitioner management. He would further submit that when a similar issue came up for consideration before a Division Bench of this Court in ***Secretary to Government and Others vs. Iruthaya Amali and another*** reported in ***2021 SCC OnLine Mad 1285***, an elaborate discussion was made and in Paragraph No.148, Clause(f) of the said decision, the procedure for redeploying a Teacher was given and in violation of compendium schedule, the impugned order is passed, which is not sustainable one.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Admittedly, in the resultant vacancies in the post of B.T., Assistant(History), B.T., Assistant(Maths) and



W.P.(MD)Nos.2386 to 2388 of 2023

WEB COPY

B.T., Assistant(English), the petitioner school appointed persons. The said appointment was not approved. Challenging the same, the petitioner school has filed these writ petitions.

7. This Court has perused the compendium schedule made in paragraph No.148(f) Clause-ix of the decision reported in **2021 SCC OnLine Mad 1285(cited supra)**. Further, a perusal of impugned order reveals that in compliance with the compendium schedule, the redeployment order is passed. Unless the appointments made by the petitioner school is approved, the petitioner cannot challenge the redeployment order passed. Further, the redeployment order is passed for the welfare of the students, which cannot be interfered with.

8. In the result, these writ petitions are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

07.02.2023

pm
NCC:Yes/No
Index:Yes/No

6/8



W.P.(MD)Nos.2386 to 2388 of 2023

To
WEB COPY

- 1.The Secretary,
State of Tamil Nadu,
Represented by its
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 009.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
- 4.The District Educational Officer,
Trichy, Trichy District.



WEB COPY



W.P.(MD)Nos.2386 to 2388 of 2023

M.DHANDAPANI, J.

pm

W.P.(MD)Nos.2386 to 2387 of 2023

07.02.2023