



W.P.(MD).No.15205 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 10.07.2023

PRONOUNCED ON : 20.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.15205 of 2023

and

W.M.P(MD)Nos.12803, 12804, 12806 & 12808 of 2023

J.Virjin Puspha

... Petitioner

Vs.

- 1.The Commissioner of School Education,
College Road,
Nungampakkam,
Chennai.
- 2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
- 3.The District Education Officer (Secondary),
Nagercoil,
Kanyakumari District.
- 4.The District Education Officer (Secondary),
Marthandam,
Kanyakumari District.
- 5.The Bishop,
R.C Diocese,
Kulithurai,
Kanyakumari District.



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6.The Corporate Manager,
R.C Schools,
Diocese of Kulithurai,
Kanyakumari District.

7.The Head Master,
St. Mary's Higher Secondary School,
Melpalai,
Kanyakumari District.

7.V.Edal Queen

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the sixth respondent in No.EDN/K/CM/FC4/195/2023 dated 08.06.2023 as well as the order in No.EDN/K/CM/FC4/211/2023 dated 10.06.2023 and quash the same and consequently direct the sixth respondent to permit the petitioner to serve as a Post Graduate English Teacher in his school as per the order of the sixth respondent in No.EDN/K/CM/FC4/172/2023 dated 05.06.2023.

For Petitioner : Mr.R.Anand

For RR 1 to 4 : Mr.N.Ramesh Arumugam
Government Advocate

For RR 5 to 7 : Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers



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ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the order passed by the sixth respondent in No.EDN/K/CM/FC4/195/2023 dated 08.06.2023 as well as the order in No.EDN/K/CM/FC4/211/2023 dated 10.06.2023 and consequently to direct the sixth respondent to permit the petitioner to serve as a Post Graduate English Teacher in his school as per the order of the sixth respondent in No.EDN/K/CM/FC4/172/2023 dated 05.06.2023.

2.The petitioner is an aggrieved person due to the change of seniority in the list prepared in the cadre of P.G Assistant Teacher employed under the category of self-finance in the Schools being run under the governance of the corporate management of Roman Catholic in the Diocese of Kuzhithurai. The petitioner is a qualified candidate for holding the post of P.G. Assistant in the subject of English. She was appointed as a P.G Assistant Teacher in R.C. Higher Secondary School, Konamkadu under the category of "Self Finance". As far as the appointment of the teaching staff in the schools controlled by the R.C. Diocese is concerned, they are aided institutions separately and also in



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the category of self-finance appointees are being recruited in the sanctioned vacancies. In addition to that, the fifth respondent maintains a seniority list, which would be otherwise called a waiting list. Those appointees appointed in both the said category would be placed in the said list and based on which, the seniority of them would be fixed and as and when the regular vacancy arises, the name of the senior shown in the list of self-finance appointees would be picked up and after following the rules of the Government exclusively made in this regard, those posts would be filled up.

3.In order to streamline the said process, separately, rules namely, "Rules and Regulations for schools in the corporate management of the R.C. Diocese of Kottar" has been framed and after the bifurcation of Kulithurai Diocese, the said rule was renamed as rules for the R.C. Diocese of Kulithurai. In terms of the said rules as far as filling up the vacancies from the members of the same family, it was made clear in the said rule that only after a gap of five years from the earlier appointment of the person from one particular family, another person could be considered and even for doing so, the candidates whose names available in the category of self-finance seniority list could be taken for such consideration. That apart, the said rules clearly



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mandate that once a person from a family has been appointed, the other person from the very same family whose name is found available in the seniority list would go to the end of such list in other words, in view of the appointment given to the same family members, automatically, later members name would go to the bottom in the seniority list prepared under the category of self-financing teachers.

4.As far as this case is concerned, the petitioner's name has been found in the seniority list 2019-2020 in Serial No.5. After the appointment of the teachers who were in serial Nos.1 and 2, as of now, the petitioner's position is in serial No.3. Admittedly there are three vacancies which would arise in the schools namely (i) St. Joseph Higher Secondary School, Thiruthuvapuram, Kanyakumari District, (ii) St.Francis Higher Secondary School, Vengodu and (iii) St.Mary's Higher Secondary School, Melpalai in view of the reason that P.G. Assistant working in the said schools are likely to attain superannuation within a period of two months. Knowing the same, the fifth respondent and the members of his education council, in order to appoint the eighth respondent, who is in the position of serial No.12 in the seniority list as on 17.05.2023, have convened a board meeting and for the reasons best known to them, have prepared minutes by recommending her

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name to give her appointment in the post of P.G Assistant (English). This exercise has been done despite the rejection of their proposal by the sixth respondent, who actually rejected the proposal for the reason that the said recommendation would not be in line with the aforesaid rules framed exclusively with regard to the recruitment of Teachers in the schools of R.C Diocese.

5.In fact, the said V.Edal Queen ie., eighth respondent in view of the reason that her husband was appointed as a teacher in the self-finance category on 02.01.2013 and subsequently in a regular vacancy and on such right from 01.04.2015, he has been working as a teacher of Physical Education, the moment her husband has been appointed in the regular vacancies, the name of the said V.Edal Queen would be automatically placed in the bottom of the seniority list and her appointment can be considered only after a period of five years that too by following the seniority. On a previous occasion in the year 2019, when the eighth respondent made an attempt to get an appointment, her request was rejected by clearly informing her that she cannot be appointed as she has lost her right of being present in the same position in the seniority list in view of her husband's appointment. However, by ignoring all the said Rules as well as the



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previous rejection, now the fifth respondent is very particular about giving effect to the conclusion of the said board meeting which took place on 17.05.2023. Hence, with a view to stopping such illegalities, after sending a representation to the respondents 1 to 3 in the form of a legal notice, the petitioner approached this Court in a Writ Petition in W.P.(MD)No.13084 of 2023, seeking to stop the proposal of offering appointment in favour of the eighth respondent and the same is pending before this Court.

6.In the meanwhile, during the pendency of the said Writ Petition before this Court, on 05.06.2023, through an order in No.EDN/K/CM/FC4/172/2023, the petitioner was appointed as Post Graduate English Teacher in St. Mary's Higher Secondary School, Melpalai and pursuant to the said order, the petitioner was directed to take charge on 01.07.2023. While the petitioner was under the fond hope that the said order would not be disturbed, shockingly the sixth respondent for the sake of the eighth respondent has transferred one Mary Asha to the said place. Thereafter, the sixth respondent changed the seniority list by placing the eighth respondent in serial No.3 from serial No.12. As a result of which, the petitioner's seniority has been brought down to the place of serial No.6. Subsequently, through an



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order dated 10.06.2023, the sixth respondent appointed the eighth respondent in the post of P.G English Teacher at St. Joseph Higher Secondary School, Thiruthuvapuram. Thereupon, the sixth respondent cancelled the appointment of the petitioner, vide impugned order, dated 08.06.2023. Challenging the same, this Writ Petition came to be filed.

7.The learned counsel appearing for the petitioner vehemently contended that the impugned order is liable to be quashed for the following reasons:-

(i) The impugned order has been passed by the sixth respondent violating the Rules and Regulations of the Schools in the corporate management of RC Diocese of Kulithurai. The sixth respondent has purposely cancelled the petitioner's appointment, dated 05.06.2023, vide impugned order, dated 08.06.2023, following which on 10.06.2023, the sixth respondent appointed the eighth respondent as a Post Graduate English Teacher at St.Joseph's Higher Secondary School, Thirithuvapuram.



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(ii) The eighth respondent has been appointed to a sanctioned post at St.Joesph's Higher Secondary School, Thirithuvapuram, by superseding all the Rules and Regulations as mandated by the corporate management of RC Diocese of Kuzhithurai and by overlooking the factum that he is not entitled to claim for appointment within a period of five years from the date of appointment of her husband under the same corporate management, in view of the fact that on her husband being appointed under the corporate management, her seniority would automatically be placed in the bottom of the seniority list. As a result of which, the attempt of the sixth respondent to place her in serial No.3 of the seniority list and placing the petitioner in serial No.6 is per se illegal.

8. In addition to that, the learned counsel appearing for the petitioner submitted that the impugned order passed by the sixth respondent has been contrary to the Code of Canon Law which mandates under Canon 428 as follows:-

*"Canon 428 – 1.When a see is vacant,
nothing is to be altered.*

*2.Those who temporarily care for the
governance of the diocese are forbidden to do
anything which can be prejudicial in some way to*



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the diocese or episcopal rights. They, and consequently all others, are specifically prohibited, whether personally or through another, from removing or destroying any documents of the diocesan curia or from changing anything in them.”

9.Per contra, the learned Senior Counsel appearing for the respondents 5 to 7 would submit that the Roman Catholic Diocese of Kottar, Kanyakumari District is a registered Society and a recognized religious minority. Thereafter, for administrative reasons, the Diocese is bifurcated as the Roman Catholic Diocese of Kottar and Roman Catholic Diocese of Kuzhithurai. The Diocese owns and administers several recognized educational institutions in the revenue District of Kanyakumari. The Rev.Bishop is the Educational Agency and the General Manager of all the educational institutions. He appoints the corporate manager for the administration of the Schools and the Correspondents for each institution. He constitutes the Education Board for evolving policies related to the Ministry of education and for the selection of staff. The diocese is currently running 52 aided Schools falling under the jurisdiction of the respondents 5 to 8. All the Schools are recognized Christian Religious Minority Educational Institutions in terms of Article 30(1) of the Constitution of India. As per the Rules and



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Regulations of the Diocese, the appointments both in the aided and self-financing sections in the Schools run by the Diocese are made out from out of the waiting list maintained by the Diocese. The members of the Diocese who possesses education qualification will enrol themselves in the Diocese in their respective specialization for employment in the Schools under the Diocese. When any vacancy arises in any School under the Diocese, the management appoints the person from the waiting list as per their seniority. The date of enrollment in the concerned subject after completion of the educational qualification shall be the criteria for placing in the waiting cum seniority list. Considering the same, as far as the family members getting employment simultaneously, a gap of 5 years is maintained for providing employment to the next family member despite the seniority. For instance, if a husband gets employment either in self-finance or in aided section, even though his wife is at the next top in the seniority, she will not be given employment till the completion of five years. Till the completion of five years, the next juniors will be considered for employment. However, it is not correct as submitted by the learned counsel for the petitioner that her seniority will be placed at the bottom of the seniority list, but her seniority will be placed in the same position, and she will be considered as top in the seniority on

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completion of five years for employment. Hence, the contention raised by the learned counsel appearing for the petitioner is not legally sustainable and moreover, the Rules and Regulations for Schools in corporate management of RC Diocese of Kottar is not a statute. Those regulations are a self-regulatory domestic arrangement which is being maintained by the corporate management to keep the house in order, and the list maintained by virtue of the regulation also does not have any statutory value. In fact, precisely, it is a pre-employment waiting list which is evolved for the purpose of the in-house administrative convenience of the diocese concerned.

10.Heard Mr.R.Anand, learned counsel appearing for the petitioner, who took me along the various contentions raised by him in his affidavit, Mr.N.Ramesh Arumugam, learned Government Advocate, appearing for the respondents 1 to 4 and Mr.Isaac Mohanlal, learned Senior Counsel appearing for the respondents 5 and 6 and anxiously perused the materials available on record.

11.As far as the controversy in the present Writ Petition is concerned, the crux of the issue is as to the maintaining of the seniority between the eighth respondent and the petitioner. The eighth



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respondent, after completing her post-graduation in English and B.Ed's course enrolled herself for the post of PG Assistant (English) in the year 2009-2010. She was registered under Registration No.5828. The petitioner got enrolled for the very same subject only in the next year, namely 2010-2011 under Registration No.6537. As such, only the name of the eighth respondent is found in the waiting list for the year 2009-2010 and in the waiting list for the year 2010-2011, the eighth respondent was placed in serial No.21, while the petitioner was placed in serial No.33. However, the husband of the eighth respondent, namely Augustus Singh was enrolled and appointed as a Physical Education Teacher at RC High School, Chemparuthivilai on 02.01.2013. Later on 01.04.2015, he was accommodated in the aided post at St. Peter's Higher Secondary School, Chekkal. In view of the employment of the eighth respondent's husband, even though vacancies arose in the self-financing section in several Schools under the management in the post of PG Assistant (English), the eighth respondent was not considered for employment and her next juniors were considered for such employment in tune with the prevailing Rules and Regulations of the Diocese. As a result of which, the juniors of the eighth respondent, namely one Mary Asha was appointed on 03.06.2019 in St. Lawrence Higher Secondary School, Madathattuvilai and then one Jini S.Kumari



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was appointed in the self-financing section on 24.06.2013 in St.Peter's Higher Secondary School, Chekkal and the petitioner herein was appointed as PG Assistant (English) in self-finance section in R.C Higher Secondary School, Konamcadu on 09.06.2014. The eighth respondent was given employment as PG Assistant (English) in the self-finance section in St.Francis Higher Secondary School, Vavarai only on 02.01.2019 ie., in the vacancy which arose after the completion of 5 years from the date of employment of her husband. During those period of five years, the eighth respondent continued in the job in the waiting list and however, the said factum was not objected to by the petitioner all through these years till the filing of the Writ Petition in W.P(MD)No.13084 of 2023.

12.The grievance of the petitioner is that she was appointed as a Post Graduate English Teacher under the corporate management of the R.C Diocese of Kuzhithurai at St. Mary's Higher Secondary School, Mepalai on 05.06.2023. The said appointment order was passed by the sixth respondent. However, within three days of the said order, due to the change in the person who held the post of corporate manager, the said appointment order, dated 05.06.2023 given to the petitioner was revoked on 08.06.2023 which is impugned



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herein on the ground that the decision of appointing the petitioner is not supported by the decision of the corporate education board and the Executive Committee. In furtherance of the same, vide another impugned order, dated 10.06.2023, the new corporate manager appointed the eighth respondent as a Post Graduate English Teacher under the corporate management of the R.C Diocese of Kuzhithurai at St. Joseph's Higher Secondary School, Thirithuvapuram, ie., in an sanctioned post. After the revocation of the appointment of the petitioner on 08.06.2023, she was further appointed as P.G Assistant English in a surplus post in St. Lawrence Higher Secondary School at Madathattvilai on 01.07.2023 and the petitioner also, on receipt of the said order, on 03.07.2023 joined in the said post on the very same day.

13.The entire commotion in the matter of appointment of the petitioner in a sanctioned post in the school at Melpalai on 05.06.2023 and thereafter, revoking the appointment on 08.06.2023 and further, appointing the petitioner on 01.07.2023 in a surplus post at Madathattvilai is a result of the arm twist between the former corporate manager of Roman Catholic Schools Diocese of Kuzhithurai and the Arch Bishop of the Roman Catholic Diocese of Kuzhithurai at



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Madurai. The Arch Bishop of Madurai is the ultimate authority and the Apostolic Administrator of Roman Catholic Diocese of Kuzhithurai. In the verge of the irregularities committed by the former corporate manager of Catholic Schools, one Rev.Fr.M.Callistus, in the matter of appointment of the petitioner and many others, Rev.Fr.M.Callistus was removed from the post of corporate manager by Most.Rev. Archbishop of Madurai, by his communication, dated 07.06.2023 and in the said communication various irregularities and breaches committed by the former corporate manager was brought on record. Recording the irregularities committed by the former corporate manager, within three days of issuing an appointment order to the petitioner on 05.06.2023, a new corporate manager one Rev.Fr.S.Maria Rajendran came to be appointed as the corporate manager (Secretary cum Treasurer) of all the institutions under the corporate management of Catholic Schools of the Diocese of Kuzhithurai. Only after the change of hands, as far as the post of corporate management is concerned, the impugned order, dated 08.06.2023 revoking the order of appointment of the petitioner came to be passed and in furtherance to the same, the further impugned order of the appointment of the eighth respondent as Post Graduate English Teacher in St. Joseph's Higher Secondary School, Thirithuvapuram was also passed.



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14. Precisely, the entire tale of appointment of the petitioner and revocation of her appointment and further appointment of the petitioner in a surplus post at Madathattvilai and appointment of the eighth respondent in a sanctioned post at Thirithuvapuram and other decisions of the previous board and the final decision of the Rev. Arch Bishop of Madurai revolves around the various internal tussles and diocese politics of the diocese of Kuzhithurai. No doubt the revocation of the appointment of the petitioner vide order dated 08.06.2023 has been passed by the newly appointed corporate manager without putting the petitioner to notice and without giving her an opportunity of hearing. However, the learned senior counsel appearing for the respondents 5 to 7 vehemently submitted that the question of violation of principles of natural justice will never arise for the reason that none of the Rules and Regulations which is claimed to have been violated by the present corporate manager has any significance of that of a statute and all those regulations are only self-regulatory domestic arrangements of the Roman Catholic Diocese of Kuzhithurai and the pre-employment waitlist is also a waiting list which has no significance beyond the purpose of maintaining a list of the members of the diocese which is maintained as a ready reference for



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recruiting appropriate staffs in various appropriate posts in the corporate management Roman Catholic Schools. Hence, the petitioner cannot claim any right on the basis of the regulations of the Diocese of Kuzhithurai and on the basis of the pre-employment waitlist. In short, this case is a typical example of washing the dirty linen of the diocese politics of the diocese of Kuzhithurai in public.

15.The learned counsel appearing for the respondents 5 to 7 rely on the order passed by this Court in ***W.P.No.4382 of 2010, dated 04.03.2010 (W.Queen Sheeba Vs. The Joint Director and others)***, wherein it has been held as follows:-

"6.Even in respect of Christian minority School, since right to manage the School vest with the management, it is open to them to appoint any candidate, who has the necessary qualifications."

16.In view of the said order, this Court is of the considered view that since the issue involved revolves around the factum of appointment and revocation of appointment and appointment of the



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petitioner and eighth respondent in various Christian minority schools whose right is guaranteed under Article 30(1) of the Constitution of India, the right to manage the school vest with management and it is open for them to appoint any candidate, who has the necessary qualification and the petitioner has no vested right of claiming appointment on the basis of the violation of the Rules and Regulations of the R.C Diocese of Kuzhithurai. This Court is also in agreement with the order passed by this Court in the aforesaid order that, the policy of the church in giving preference to any particular person is entirely a private matter and whoever is aggrieved by the decisions or the policies of the church could raise such an issue only before the concerned forum of the said diocese or church and no remedy could be sought for before this Court by filing a Writ Petition claiming to enforce her church/diocese policy by invoking Article 226 of the Constitution of India.

17.However, the learned counsel appearing for the petitioner brought to the notice of this Court an order passed by the Honourable Division Bench of this Court in ***Rev.Applc(MD)No.136 of 2022 in W.A(MD)No.1115 of 2019, dated 06.06.2023 (The Secretary and others Vs. I.Jesu Praba and others)***, wherein, the



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Honourable Division Bench of this Court has categorically held as follows:-

"10. However, we will not be justified in summarily dismissing this review application on that ground. The primary argument of the learned counsel appearing for the appointee is that the managements of minority schools have the fundamental right under Article 30 of the Constitution of India to make appointments without getting prior permission from the department. Her contention is that though the State is the pay master, the principle "he who pays the piper calls the tune" will not apply. The minority schools have so far been successful in exempting themselves from the purview of the Right of Children to Free and Compulsory Education Act 2009. Their teachers need not be TET-qualified. The requirement that appointments have to be made as per communal roster to achieve social justice does not apply to minority institutions. Though grant-in-aid comes out of public exchequer, appointments are often made as per the seniority list maintained by the respective dioceses. Petitions have been filed by aggrieved individuals contending that their local church has breached the seniority principle. It is a fact that the dioceses have been maintaining registers akin to the district employment exchanges. In other words, the



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managements need not invite eligible and meritorious candidates from the open market. Even a cursory survey would reveal that these appointees are invariably from the same religion or even denomination. Of course, Article 30 of the Constitution of India will be projected as a shield. However, certain developments have recently taken place. The department is faced with the issue of surplus teachers and their deployment. Corporate managements make appointments if a vacancy arises in a sanctioned post in one school, even if they have surplus teachers in the other schools. This issue is presently pending before the Hon'ble Supreme Court and interim orders have been granted. We, therefore, hold that the managements can fill up vacancies in teaching posts only after getting prior permission from the department. At the same time, we are conscious that the department often keep such proposals pending for an unreasonably long period. Since the Government itself is a party to this petition, we direct the department to pass order on any proposal that may be submitted by the managements within a period of ten weeks from the date of receipt of the proposals. Speaking order should be passed by the competent authority."



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18. Though the learned senior counsel appearing for the respondents 5 to 7 vehemently contended that the observation made by the Honourable Division Bench of this Court in the aforesaid order is only an obiter dicta, this Court is of the considered view that the operative portion of the said Judgment is more of the rule of law on which the said decision itself is based and hence a ratio decidendi. The case which is referred to by the Honourable Division Bench of this Court in the aforesaid Review Application is with respect to the Special Leave Petition filed as against the Judgment of the Honourable Division Bench of this Court in another batch of cases in W.A(MD)Nos.76, 225 and 341 etc., of 2019, dated 31.03.2021, which relates to approval of appointments of Teachers refused by the competent authority, on the ground that there are surplus Teachers in other Schools under the same Managements in Minority Schools. The Hon'ble Division Bench of this Court in the said batch while dealing with the issue of surplus teachers and deployment has provided with a compendium of Schedule in the operative portion from "a" to "v" which has to be strictly followed and adhered. The Hon'ble Apex Court is also pleased not to interfere with the said compendium from "a" to "v" except 'i' dealing with sanction of staff grant. Hence, I reiterate that the operative

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portion of the Judgment in Rev.Aplc(MD)No.136 of 2022 in W.A(MD)No.1115 of 2019 cannot be negated as sheer obiter dicta. Hence, the impugned appointment of the eighth respondent, dated 10.06.2023 made by the sixth respondent without getting prior permission from the department concerned is per se illegal and this Court is inclined to quash the impugned order, dated 10.06.2023, by which, the eighth respondent was appointed.

19.In view of the above, the impugned order, dated 10.06.2023 passed by the sixth respondent is quashed.

20.As far as the other impugned order, dated 08.06.2023 is concerned, by which the appointment of the petitioner, dated 05.06.2023 was revoked, the learned Senior Counsel appearing for the respondents 5 to 7 relied on the case of **Dr.J.Shashidhara Prasad Vs. Governor of Karnataka and another** reported in **(1999) 1 SCC 422**, the relevant portion of which is extracted as follows:-

"11....The question was, whether the respondent therein was entitled to have an opportunity of hearing before the order of cancellation was made.



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The Court answered the question in negative. The Court answered the question in negative. The Court also referred to the judgment in Shrawan Kumar Jha Vs. State of Bihar reported in 1991 Suppl (1) SCC 330 and observed thus:

"A Division Bench of this Court comprising Kuldeep Singh and K. Ramaswamy, JJ. observed that the candidates should have been given an opportunity of hearing before their appointments were cancelled. The court accordingly directed the Solicitor General to ask the Secretary (Education), Government of Bihar to grant an opportunity of hearing to the candidates and to give a finding as to whether they were validly appointed as Assistant Teacher. The Court also ordered that if anyone had actually worked as a Teacher, he or she would be entitled to the salary for that period. It is interesting to note that this Court while directing that a hearing be given to those appointed as Assistant Teachers did not grant any relief in terms of actual appointment in pursuance to the appointment letters, Nor did the Court order for any pecuniary benefits being given to those appellants pursuant to the appointment letters. Salary, etc. were ordered to be paid only in case any one of those candidates had actually joined and worked."



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12. *The Court held that till the order of extension of service could become operative no right under the order had vested in the incumbent and it was therefore, not necessary to grant him hearing before the extension order was cancelled. The Court also pointed out that the respondent therein may or may not have accepted the offer and till the order came into force, no vested right could have arisen. Consequently, the Court held that no opportunity was required to be given to the incumbent before cancelling the said order. The principles laid down in the aforesaid two cases will certainly apply in the present case and in our opinion, there was no necessity for giving an opportunity to the appellant before the chancellor passed the order dated 21.8.97 rescinding the earlier order dated 20.8.97."*

21. This Court is of the considered opinion that the revocation of the appointment of the petitioner vide the impugned order passed by the sixth respondent, dated 08.06.2023 is squarely covered by this Apex Court Judgment. Here, in this case, the petitioner was served with an order dated 05.06.2023 as received by her on the same day, directing her to report for duty before the Correspondent of



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St.Mary's Higher Secondary School, Melpalai, on 01.07.2023. However, on 08.06.2023, the impugned order revoking the order dated 05.06.2023 calling the petitioner to join St.Mary's Higher Secondary School, Melpalai on 01.07.2023 came to be passed. Since the order of appointing the petitioner at St.Mary's Higher Secondary School, Melpalai, dated 05.06.2023 could become operative only on 01.07.2023 on the petitioner joining the said vacancy, any order of revocation passed before that would not create any vested right on the petitioner, despite the fact that the petitioner may or may not have accepted the offer. Till the date of joining, the said vacancy on 01.07.2023 by the petitioner no vested right would arise. Consequently, I observe that no opportunity is required to be given to the petitioner before revocation of the appointment. Hence, the impugned order, dated 08.06.2023 passed by the sixth respondent need not be interfered with. It is also pertinent to mention that the petitioner has accepted the subsequent transfer order dated 01.07.2023 and is presently working as P.G Assistant in St.Lawrence Higher Secondary School, Madathattuvilai in a surplus post.



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22. With the above observations and directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes
Index : Yes
Internet : Yes
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