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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2023**

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)Nos.1076 and 1093 of 2018, 341 of 2019, 487, 610, 616, 764,
852, 853, 879, 920, 1049, 1066, 1068 and 1225 of 2020, 1229, 1762,
1763 and 1764 of 2021 and
C.M.P.(MD)Nos.7680 and 7846 of 2018, 2737 of 2019, 3506, 3907,
3920, 4369, 4775, 4756, 4831, 5011, 5846, 5847 and 6821 of 2020,
5167, 7530, 7531 and 7532 of 2021

W.A.(MD)No.1076 of 2018:-

1.The District Elementary Educational Officer,
Tuticorin, Tuticorin District.

2.The Assistant Elementary Educational Officer,
Tiruchendur Union, Tuticorin District.

...Appellants

-Vs.-

1.J.Ramilatha

2.The Correspondent,
St.Mary's Primary School,
Virapandianpatnam, Tiruchendur Taluk,
Tuticorin District.

...Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to
set aside the order dated 20.04.2018 made in W.P.(MD)No.8788 of 2018
on the file of this Court.



For Appellants : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.V.Om Prakash
Government Advocate
For R1 :Mr.A.Ajith Geethan
For R2 :Mr.Savarimuthu
for M/s.Father Xavier Associates

COMMON JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

These Writ Appeals are filed by the State/official respondents in the Writ Petitions challenging orders passed by the Writ Court where the challenge was to orders passed by the Officers rejecting approval of the appointment of the Writ Petitioners as Secondary Grade Teachers in various Schools. A further direction for disbursement of grant-in-aid towards salary and all other attendant benefits had also been sought.

2.The Writ Petitions were disposed quashing the impugned orders and directing the official respondents to re-submit the proposals with relevant enclosures. There was a direction that upon such re-submission, the applications shall be considered and approvals granted within a time frame that was fixed by the Court.



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3.It is not in question that the appointments of all the Writ Petitioners before us have been made prior to 17.09.2019 being the date of G.O.Ms.No.165, which operates prospectively only.

4.The learned Additional Advocate General appearing on behalf of the State would only request that any order of approval granted to the candidates be subject to the result of S.L.P.(C)No.15702 of 2021 filed by the State challenging an order passed by this Court in W.A(MD)No.76 of 2019 and batch dated 31.03.2021.

5.We see no reason to deny this request, as in an identical situation, orders have been passed in the case of several other candidates along similar lines.

6.Illustratively, in W.A.(MD)No.1479 of 2022 dated 12.12.2022, a Division Bench, of which one of us is part (Mr.Justice R.Vijayakumar), has directed that approval be granted to that candidate, A.Thamaraiselvi, after ensuring that the proposal filed by the School satisfies all the norms prescribed. A time frame of eight weeks was granted. The State reports today that the proposal was found to be in



order and her appointment has been approved subject to the result of S.L.P.(C)No.15702 of 2021.

7.That apart, in a batch of Writ Petitions in W.P(MD)No.3194 of 2020 and batch in *B.Kurinjimalaron vs State of Tamil Nadu and others* [Order dated 18.04.2022], an identical direction was issued in favour of several candidates. In W.A.(MD)No.6340 of 2018 and batch, in *S.Helan Raja Soundari vs The District Elementary Educational Officer and others*, [order dated 02.09.2022], an identical direction was issued in the case of several other candidates and admittedly, orders of approval have been issued in respect of several of the candidates forming part of that batch.

8.In light of the discussion above and in the interest of uniformity, the same directions are issued in the present matters as well. There is a direction to the State to approve the appointments of the respondents/Writ Petitioners subject to the result of S.L.P.(C)No.15702 of 2021 challenging order dated 31.03.2021 passed in W.A.(MD)No.76 of 2019, within a period of six weeks from date of receipt of a copy of this order.



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9. These Writ Appeals stand disposed in terms of the above order. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] & [R.V.J.]
26.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

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AND
R.VIJAYAKUMAR, J.

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W.A.(MD)No.1076 of 2019 and batch

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