



W.A.(MD)Nos.1341 of 2019 etc., batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)Nos.1341 & 1524 of 2019, 112, 113, 153, 274, 827, 836, 964,
967, 968, 969, 1103, 1119, 1224 of 2020 & 662, 1705, 1937, 2195 of
2021

and

C.M.P.(MD)Nos.11287 & 12188 of 2019, 1010, 1011, 1146, 1966, 4590,
4618, 5243, 5263 to 5265, 6013, 6129, 6805 of 2020, 2889, 7283, 8626
& 10878 of 2021

W.A.(MD)No.1341 of 2019:

1.The Director of School Education,
College Road, Chennai – 5.

2.The Chief Educational Officer,
Kanyakumari,
Kanyakumari District.

3.The District Educational Officer,
Nagercoil, Kanyakumari District.

...Appellants

/Vs./



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1.C.Senthilkumar,
Physical Education Teacher,
L.M.S.Higher Secondary School,
Jamestown – 629 401,
Kanyakumari District.

2.The Correspondent,
L.M.S.Higher Secondary School,
Jamestown – 629 401,
Kanyakumari District.

...Respondents

PRAYER:- Writ Appeals - filed under Clause XV of Letters Patent Act,
to set aside the order dated 21.02.2018 in W.P.(MD)No.2593 of 2018 and
allow the writ appeal.

For Appellants : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.D.Sadiq Raja
Additional Government Pleader
and Mr.V.Om Prakash
Government Advocate

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



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COMMON JUDGMENT

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

These Writ Appeals have been 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,



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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. We have considered the identical issue as arising in these writ appeals in WA(MD)No.1076 of 2018 and batch by order dated



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26.07.2023, applying the ratio of the orders already passed in similar cases directing the State to approve the appointments of those writ petitioners subject to final resolution of S.L.P.(C)No.15702 of 2021. A timeframe has been fixed by the Court for the same. The ratio of the aforesaid order would be applicable on all fours to the present matters as well.

9. In addition, in these matters, Mr.R.Baskaran, learned Additional Advocate General would draw attention to the decision of the Division Bench of this Court in WA(MD)No.76 of 2019 etc., batch dated 31.03.2021. Therein, the Division Bench has stated that upon coming into effect of the 2018 Act and the Rules to be framed, the order passed by the Division Bench on 31.03.2021 shall cease to be in execution. The Tamil Nadu Private Schools (Regulation) Rules, 2023 have come into effect from 13.01.2023.

10. We find no merit in this submission for two reasons. Firstly, the orders passed by the Division Benches / Single Benches on



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earlier occasions, could well have attracted the same arguments.

However, and notwithstanding this, those orders have been implemented.

11. Secondly, the Special Leave Petition filed by the State is still pending before the Hon'ble Supreme Court. If the State was truly serious about this submission, there is no justification in it pursuing the Special Leave Petition, simultaneously.

12. We are thus inclined to reiterate the view already taken by us in W.A.(MD)No.1076 etc., batch, by order dated 26.07.2023. 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 four weeks from date of receipt of a copy of this order.



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13. 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.]
07.08.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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Common Judgment made in
W.A.(MD)Nos.1341 & 1524 of 2019,
112, 113, 153, 274, 827, 836, 964,
967, 103, 1119, 1224 of 2020 &
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