



WEB COPY



W.A.No.1333 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.1333 of 2021

C.Babu

... Appellant

Vs.

1. The Director Of School Education,
College Road, DPI Campus,
Chennai - 600006.

2. The Joint Director Of Secondary Education,
College Road, DPI Campus,
Chennai 600006.

3. The Chief Educational Officer,
Panagal Building,
Saidapet, Chennai - 600015.

4. The District Educational Officer,
Chennai East,
Choolaimedu High Road,
Chennai - 600094.

5. The Secretary,
School Committee,
Rao Bahadur Allathure Nathamoony Chetty,
Higher Secondary School,
No.26, Samy Street, Chennai - 600002.

... Respondents



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Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 09.12.2020 made in W.P. No.20784 of 2014 and allow the WP and pass such further or other orders as this Hon'ble Court.

For Appellant : Mr.U.Karunakaran
For Respondents : Mr.E.Sundaram,
Government Advocate (for R1 to R4);
: Mr.S.Ilavamvaludhi (for R5).

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been instituted challenging the writ order dated 09.12.2020 made in W.P.No.20784 of 2014. The writ petitioner is the appellant before us.

2. The writ was instituted to direct the respondents to pay salary to the petitioner in the post of Junior Assistant from 2010 to till date, deducting the OA salary paid to him.

3. The appellant was appointed as Office Assistant in the year 2000 in the 5th respondent School. Mr.Karunakaran, the learned counsel for the



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appellant would submit that the appellant was promoted to the post of Junior Assistant on 28.10.2010 and his promotion was approved by the Education Department on 03.09.2013. Admittedly, the approval was cancelled by the Department on 03.09.2013. However, the cancellation order was kept in abeyance on account of the interim order granted in writ proceeding. Therefore, the said proceeding cannot be construed as an order passed on adjudication.

4. The learned counsel for the 5th respondent School, Mr.S.Ilavamvaludhi would contend that the appellant has not even produced the relevant educational certificate despite the fact that the school management repeatedly asked him to produce the same. It is further contended that he has produced some fraudulent certificates which require an inquiry and initiation of prosecution. The appellant is not qualified to hold the post of Junior Assistant. The appellant was appointed as Junior Assistant by the interim management and the management dispute was prevailing during the relevant point of time and a civil suit was instituted.

5. We have perused the orders passed in various writ petitions. The parties have made an attempt to circumvent the issues and to secure orders



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one way or the other. Such practice cannot be appreciated by this Court.

Filing numerous writ petitions and attempting to hold a position at no circumstances be allowed.

6. Several disputed facts are raised between the parties regarding the educational qualifications, validity of the school certificates, appointment orders made by the management and also the orders passed by the Educational Department. Various orders produced by the parties would reveal that an inquiry in detail is required. Disputed facts cannot be adjudicated in the present writ appeal. The authorities have to verify the genuineness of the certificates produced by the parties and the orders passed by the Department. In view of the fact that disputed facts exist between the parties and various doubts have been raised regarding the genuinity of the certificates, the Department has to conduct an inquiry and form an opinion if the post of Junior Assistant in the 5th respondent School has been filled up in accordance with the provisions of the Act and Rules or not. In the event of identifying any illegality, irregularity, or a commission of offence, all appropriate actions including criminal prosecution have to be initiated.



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7. In this context, the 2nd respondent, Joint Director of School Education is directed to conduct an inquiry regarding filling up to the post of Junior Assistant in the 5th respondent School by way of promotion/ appointment and other disputed facts between the parties. The said inquiry is directed to be completed within a period of four (4) months from the date of receipt of a copy of this order. The appellant and the 5th respondent are at liberty to submit their statement of defence, affidavits, along with the documents, if any, to the Joint Director of School Education in the Office of Directorate of School Education within a period of two (2) weeks from today.

8. With the above directions, the writ appeal stands disposed of. No costs.

(S.M.S.J.,)

(C.K.J.,)

27.06.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

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C.KUMARAPPAN, J.

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