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W.A.No.935 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

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THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.935 of 2021

and

CMP.No.5508 of 2021

1. The State of Tamil Nadu,
Rep. by the Secretary,
School Education Dept.,
Fort St. George, Chennai-9.
2. The Director of School Education,
College Road,
Chennai-6.
3. The Chief Educational Officer,
Thanjavur-613 001.
4. The District Educational Officer,
Thanjavur-613 001.

... Appellants

Vs.

1. S.Sundarapandian
2. The Correspondent/Secretary,
Town Higher Secondary School
Kumbakonam-612 001.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 12.11.2019 made in W.P.No.22126 of 2013.



W.A.No.935 of 2021

For Appellants : Mr.E.Sundaram
Government Advocate

For Respondents : Mr.L.Chandrakumar for R1
Mr.J.Jayamalan for R2

J U D G M E N T

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The writ order dated 12.11.2019 passed in WP.No.22126 of 2013 is under challenge in the present Writ Appeal. The Writ Appeal has been preferred by the State mainly on the ground that the first respondent was appointed as Vocational Instructor temporarily by the Government aided private School namely Town Higher Secondary School, Kumbakonam and the first respondent was terminated by the Management in proceedings dated 26.04.2013. Beyond that, the Management has not submitted any proposal for approval of appointment of the first respondent in the sanctioned post of Vocational Instructor. In the absence of any proposal, the direction issued by the Writ Court to consider the representation of the petitioner is untenable.



W.A.No.935 of 2021

WEB COPY

2. The fact remains that the first respondent-Sundarapandian was appointed as Vocational Instructor on temporary basis. He submitted an application to regularise his services in the sanctioned post of Vocational Instructor. However, temporary services of the first respondent was terminated by the School Management in proceedings dated 26.04.2013. The said proceedings would reveal that the services of the first respondent was terminated based on certain allegations. The learned counsel appearing on behalf of the School Management would submit that no proposal has been submitted to the Competent Educational Authorities to approve the appointment of the first respondent in the sanctioned post of Vocational Instructor. In the absence of any such valid proposal from the Management, the Educational Authorities may not be in a position to consider the claim of the writ petitioner for approval of the appointment in the post of Vocational Instructor in the sanctioned post. Thus, a direction issued by the Writ Court to consider the representation submitted by the writ petitioner would not arise at all.



W.A.No.935 of 2021

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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3. Accordingly, the writ order impugned dated 12.11.2019 passed in WP.No.22126 of 2013 is set aside and consequently, the Writ Appeal stands allowed. No costs. Consequently, connected CMP is also closed.

[S.M.S., J.] [C.K., J.]
06.06.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No

W.A.No.935 of 2021