



W.P.(MD).No.6761 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.6761 of 2024

and

W.M.P.(MD).Nos.6278 and 6279 of 2024

G.Rajan

... Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

2.The District Educational Officer (Secondary),
Tirunelveli,
Tirunelveli District.

3.The Correspondent,
Concordia Higher Secondary School,
Vallioor, Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Mu.Mu.No.9522/A3/2023 dated 18.01.2024 of the first respondent herein and quash the same and consequently direct the respondents 1 and 2 herein to approve the appointment of the petitioner as B.T.Assistant (Tamil) with effect from 07.03.2007 with all other attendant benefits.



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For Petitioner : Mr.T.Pon Ramkumar

For R-1 and R-2 : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition has been filed seeking to quash the order dated 18.01.2024 passed by the first respondent and consequently directing the respondents 1 and 2 herein to approve the appointment of the petitioner as B.T.Assistant (Tamil) with effect from 07.03.2007 with all other attendant benefits.

2. Heard Mr.T.Pon Ramkumar, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents 1 and 2.

3. Mr.T.Pon Ramkumar, learned counsel for the petitioner submitted that the first respondent has passed the impugned order dated 18.01.2024, thereby rejecting the approval of the petitioner as B.T.Assistant (Tamil) in the third respondent School for the reason that the appointment of the petitioner's predecessor by name Christi Bai has



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not been approved by the Government and hence the proposal sent for the appointment of the petitioner cannot be considered. The other reason cited is that the direction given in the Iruthayamalli case in W.A.(MD) No.76 of 2019 dated 31.03.2021 has been challenged by the Government by way of filing a revision petition before the Hon'ble Supreme Court and the same is pending.

4. So far as the first reason is concerned, it appears that earlier an order has been passed on 26.03.2018 in W.P(MD).No.18260 of 2019 and W.P(MD) No.17587 of 2016 filed by the petitioner's predecessor and yet another individual seeking direction to approve their appointment. As there was dispute between the two factions in the School management, a direction was given to the second respondent in the above Writ Petitions to conduct an enquiry and to consider both the proposals involved in the Writ Petition and pass orders on merits. Strangely, due to the dispute between two factions, proposals seem to have been sent by the Headmaster as well as the Management. Hence, the Government is also facing a difficulty in deciding the valid proposal. However, the authorities ought to have complied the order within a period of twelve weeks as directed by the Court.



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5. Now that, the Impugned order has been passed, wherein the approval for the petitioner's appointment has been rejected not due to the authenticity of the persons who have forwarded the proposal but for some other extraneous reasons like the appointment of the petitioner's predecessor which has not been approved and revision petition filed against W.A.(MD).No.76 of 2019 dated 31.03.219 is pending. So far as the pending revision petition against Iruthayamalli case, it is clarified that the order passed in W.A(MD)No.76 of 2019 is not stayed and hence there cannot be any difficulty for the Government to follow the directions given in W.A(MD)No.76 of 2019 dated 31.03.2019. As against other reason for rejection, it is for the Government to complete the enquiry and pass an appropriate order whether the appointment of the petitioner's predecessor is deserved to be approved. Having not passed any order with regard to the appointment of the petitioner's predecessor, the second respondent appears to have conveniently rejecting the proposal unmindful of the earlier directions given by this Court.



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6. With the above observations, this Writ Petition is **disposed of** and the impugned order dated 18.01.2024 is set aside and the first respondent is directed to reconsider the matter by scrupulously following the earlier direction given in the Writ Petition in W.P.(MD). Nos.18260 of 2013 and 17587 of 2016 dated 26.03.2018 and pass appropriate orders as to the validity of the appointment of the petitioner's predecessor and then pass consequential order as to the proposal sent for appointment of this petitioner by making proper enquiry and seeking relevant clarification from the fifth respondent School Management. **No Costs.** Consequently, connected miscellaneous petitions are closed.

25.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr



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To:

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- 1.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

- 2.The District Educational Officer (Secondary),
Tirunelveli,
Tirunelveli District.



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Nsr

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