



W.P.(MD).Nos.13373 of 2019 & 16417 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P.(MD).Nos.13373 of 2019 & 16417 of 2021
and WMP(MD).Nos.9956 & 9957 of 2019
and WMP(MD).No.13333 of 2021**

1. St.Aloysius Higher Secondary School

Through its Correspondent

Br.A.John

(Under the Management of Brothers of Sacred Heart of Jesus)

Royappanpatti 625 526

Theni District

....Petitioner in W.P.No.13373 of 2019

2.M.Lourdu Santhiyagappan

....Petitioner in W.P.No.16417 of 2021

Vs

1.The Director of School Education

College Road

Chennai 6

2.The District Educational Officer

Uthamapalayam

Theni District

....Respondents 1 & 2 in both petitions

3.Mr.V.Moovendran

P.G.Assistant (Maths)

St.Aloysius Higher Secondary School

Royappanpatti 625 526

Theni District

....Respondent No.3 in W.P.No.13373 of 2019
& Respondent No.5 in W.P.No.16417 of 2019



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4.M.Lourdu Santhiyagappan

..Proposed 4th respondent in
W.P.No.13373 of 2019

5.The Superior General, Generelete
Brothers of Sacred Heart of Jesus
No.9H, High Ground Road
Tirunelveli 11

6.The Correspondent
St.Aloysius
Higher Secondary School
Royappanpatti
Theni District 625 526

....Respondent Nos.3 & 4
in W.P.No.16417 of 2021

(4th respondent herein is impleaded
vide Court order dated 19.02.2024)

Prayer in W.P(MD).No.13373 of 2019: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records for the impugned order passed by the second respondent herein in his proceedings in அ.தி.மு.எண்.6765/அ2/2018 dated 01.06.2019 and quash the same as illegal and further direct the second respondent herein to approve the appointment of third respondent herein (Mr.V.Moovendran) as P.G.Assistant (Maths) in St.Aloysius Higher Secondary School, Royappanpatti, Theni District, within a time stipulated by this Court.

Prayer in W.P(MD).No.16417 of 2021: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from approving the 5th respondent post of P.G.Assistant (Mathematics) and by considering the petitioner's application, dated 27.08.2018 within stipulated time.



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W.P(MD).No.13373 of 2019:

For Petitioner : M/s.A.Amala
For R1 & R2 : Mr.P.T.Thiraviyam
Government Advocate
For R3 : No appearance
For R4 : No appearance

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For Petitioner : No appearance
For R1 & R 2 :Mr.P.T.Thiraviyam
Government Advocate
For R4 : M/s.A.Amala
For R5 : No appearance

COMMON ORDER

The present writ petition has been filed by an Aided Minority Institution which is under the corporate management of Brothers of Sacred Heart of Jesus.

2.One Mr.G.P.Benedict Cyril, who was working as a P.G.Assistant (Maths) retired on 31.05.2018 and the said post fell vacant from 01.06.2018. The impleaded respondent namely Mr.M.Lourdu Santhiyagappan was working in the same School as B.T.Assistant (Maths). He aspired to be



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promoted and appointed as P.G.Assistant (Maths). However, the Management had chosen to appoint the third respondent namely Mr.V.Moovendran by way of direct appointment by an order dated 30.07.2018.

3.While the request of the fourth respondent herein was pending before the School Management, the fourth respondent had filed W.P(MD).No.11997 of 2018 for a mandamus directing the respondents to promote the petitioner in the post of P.G.Assistant (Maths). This writ petition was dismissed by this Court by an order dated 18.11.2021 holding that Section 15(4) of Tamil Nadu Private Schools (Regulation) Rules 1974 is not applicable to minority institutions. However, this Court was pleased to direct the Registry to club W.P(MD).No.16417 of 2021 filed by the fourth respondent herein for a mandamus directing the educational authority not to approve the appointment of the third respondent and in the present writ petition.

4. The writ petition is listed for final hearing today. This Court was pleased to allow the impleading petition in WMP(MD).No.17835 of 2021. However, the learned counsel appearing for the impleaded fourth respondent has not appeared.

5.The School management has filed the above writ petition challenging the order dated 01.06.2019 passed by the educational authorities refusing to



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approve the appointment of the third respondent herein on the ground that W.P(MD).No.11997 of 2018 filed by the fourth respondent is pending before this Court. In view of the fact that the said writ petition was closed by this Court on 18.11.2021, the legal impediment for the educational authorities to approve the appointment of the third respondent no longer survives.

6.In view of the above said facts, the following order is passed:

(i)The order impugned in the writ petition dated 01.06.2019 is set aside and the matter is remitted back to the file of the second respondent herein. The second respondent shall reconsider the said issue in the light of the disposal of W.P(MD).No.11997 of 2019.

(ii)The educational authorities are directed to consider the issue relating to the approval of the third respondent namely Mr.V.Moovendran as P.G.Assistant (Maths) in the light of the circular issued by the Director of School Education dated 29.03.2023 and passed orders within a period of 12 weeks from the date of receipt of a copy of this order.

(iii)In view of the order passed in W.P(MD).No.13373 of 2019, no further adjudication is called for in W.P(MD).No.16417 of 2021 and the same is closed.



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(iv) Accordingly, W.P(MD).No.13373 of 2019 stands allowed to the extent as stated above. W.P(MD).No.16417 of 2021 is closed. No costs. Consequently, connected miscellaneous petitions are closed.

19.02.2024

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



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To

1.The Director of School Education
College Road
Chennai 6

2.The District Educational Officer
Uthamapalayam
Theni District



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R.VIJAYAKUMAR, J.

msa

order made in

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and WMP(MD).No.13333 of 2021

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