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W.A.(MD)NO.92 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A.(MD)Nos.92 & 93 of 2020 &
C.M.P.(MD)Nos.874 & 875 of 2020

W.A.(MD)No.92 of 2020

1. The Chief Educational Officer,
Virudhunagar District,
O/o.the District Collector,
Virudhunagar District.

2. The District Educational Officer,
Aruppukkottai,
Virudhunagar District.

... Appellants / Respondents 1 & 2

Vs.

1. D.Ramajeyam

... Respondent / Petitioner

2. Ayira Vaisya Higher Secondary School,
Rep. by its Secretary,

Sattur, Virudhunagar District – 626 203. ... Respondent / Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to
set aside the order dated 08.01.2019 in W.P.(MD)No.4596 of 2017 and
allow the writ appeal.



W.A.(MD)No.93 of 2020

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1. The Chief Educational Officer,
Virudhunagar District,
O/o.the District Collector,
Virudhunagar District.

2. The District Educational Officer,
Aruppukkottai,
Virudhunagar District.

... Appellants / Respondents 1 & 2

Vs.

1. S.Ananthan

... Respondent / Petitioner

2. Ayira Vaisya Higher Secondary School,
Rep. by its Secretary,

Sattur, Virudhunagar District – 626 203. ... Respondent / Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to
set aside the order dated 08.01.2019 in W.P.(MD)No.4598 of 2017 and
allow the writ appeal.

(in both W.As.)

For Appellant : Mr.M.Siddarthan,
Additional Government Pleader.

For R-1 : Mr.N.Sundreshan

* * *

COMMON JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.



2. The management of Ayira Vaisya Higher Secondary School, Sattur had appointed Thiru.D.Ramajeyam and Thiru.S.Ananthan as Water Carrier and Library Attender vide proceedings dated 27.01.2017. The proposal was submitted to the District Educational Officer, Aruppukkottai for approval. The proposal was returned on 06.02.2017 by citing the ban order issued vide Government Letter No.11462/D2/2006-1 dated 26.05.2006. Challenging the same, the appointees filed W.P. (MD)Nos.4596 and 4598 of 2017.

3. The learned single Judge took note of the fact that both the posts (ie.) Water Carrier and Library Attender are sanctioned posts and that during the relevant time, there was sufficient students strength also. Thus, the appointments fell within the approved strength of non-teaching staff.

4.As regards the ban order, it was noted that the same was quashed vide order dated 15.03.2016 in W.P.No.11481 of 2008. In that view of the matter, the orders impugned in the writ petitions were quashed and it was directed to approve the appointment of the writ petitioners.



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5. Questioning the same, these intra court appeals have been filed.

6. In the memorandum of grounds of appeals, the reasons set out in the order passed by the learned single Judge have not at all been assailed. We posed a specific question to the learned Additional Government Pleader, if the ban order dated 26.05.2006 relied in the order impugned in the writ petitions was actually quashed or not. No reply is forthcoming. We therefore proceed on the premise that the reasons set out in the order impugned in the writ appeals are holding good. We do not find any ground to take a contra view. These writ appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

13th November 2024

NCC : Yes / No
Index : Yes / No
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W.A.(MD)NO.92 OF 2020

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

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W.A.(MD)Nos.92 & 93 of 2020

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