



W.A.(MD)No.777 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.777 of 2019
and
C.M.P(MD)No.6889 of 2019**

J.Swan Chandramathi

... Appellant / Writ Petitioner

Vs.

- 1.The Chief Secretary,
Government of Tamilnadu,
Chennai - 600 009.
- 2.Director of Elementary Education ,
Chennai - 600 009.
- 3.District Elementary Education Officer,
Tiruchirappalli - 620 020.
- 4.S.Kavitha Gowsalya
- 5.S.Daniel Suresh
- 6.Correspondent,
T.E.L.C. Middle School,
Kalla Street,
Tiruchirappalli – 620 008.



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7.Rev.T.Samuel Thangaraj

... Respondents / Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order dated 13.06.2019 passed in W.P.(MD)No.4758 of 2014 and allow the writ appeal.

For Appellant : Mr.P.A.Solomon

For Respondent : Mr.M.Siddharthan,
Addl. Government Pleader for R1 to R3.
No appearance for R4 to R6.

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

The appellant joined in one of the schools run by the T.E.L.C. Corporate Management as Secondary Grade Teacher on 01.09.1992. According to the appellant, she was promoted as graduate Head Mistress in T.E.L.C. Middle School, Kalla Street, Triuchirappallai on 04.07.2012. The appellant filed W.P.(MD)No.4758 of 2014 for directing the District Elementary Educational Officer, Tiruchirappalli to accord approval for her promotion. The learned Judge vide order 13.06.2019 dismissed the writ petition. Challenging the same, this writ appeal has been filed.



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2.The learned counsel appearing for the appellant submitted that the appellant was rightly promoted by the competent authorities and that therefore, there is no justification in denying approval.

3.The appellant may probably have a good case. But then, the fact remains that on 29.12.2014 in Na.Ka.No.7162/G1/2013, the Joint Director of School Education had rejected the proposal to approve the appellant's promotion as Head Mistress. It is also seen that instead of the appellant, one Kavitha Gowsalya was appointed as Head Mistress and her appointment was approved by the department vide proceedings dated 11.02.2015. The appellant herein ought to have amended the writ prayer and challenged the aforesaid proceedings dated 29.12.2014 and 11.02.2015. She failed to do so. That is why, the learned Single Judge rightly concluded that the appointments of two candidates to a single post cannot be approved. There can be only one incumbent in a post at a given point of time. Therefore, we do not find any ground to interfere with the order impugned in this writ appeal.



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4.However, we find that the appellant has been denied salary for the last several years. If the appellant's appointment as Head Mistress cannot be approved, then she ought to have been continued to be paid salary of a Secondary Grade Teacher. Failure on the part of the department to do so is clearly illegal and arbitrary. Subject to the appellant complying with the requisite procedures, the department is directed to pay the appellant's salary as Secondary Grade Teacher since 01.04.2014. This shall be done as expeditiously as possible by the third respondent. The order impugned in this writ appeal is sustained. Relief is however given for payment of salary arrears in the post of Secondary Grade Teacher.

5.The writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
07.11.2024

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