



W.P.(MD).No.16612 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16612 of 2021

Noorjibai Ebenazer

...Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
Kokkirakulam,
Tirunelveli-627 009.
- 3.The District Educational Officer,
S.N.High Road,
Tirunelveli-627 001.
- 4.The Correspondent,
Sarah Tucker Higher Secondary School,
Palayamkottai,
Tirunelveli-627 002.
- 5.The Manager,
TDTA Higher Secondary /
Secondary Special School and
Teacher Training Institute,
Diocesan Office,
Palayamkottai-627 002.

... Respondents

(5th respondent is Suo Motu impleaded vide Court order dated 23.07.2024 made in W.P.(MD)No.16612 of 2021)



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to disburse the salary of the petitioner for the period from 22.07.2017 to 31.07.2017 working as Headmistress in the 4th respondent School and confer all the consequential monetary benefits.

For Petitioner	: Mr.P.Santhosh Kumar
For R-1 to R-3	: Mr.M.Sarangan, Additional Government Pleader
For R-4	: Mr.P.Vinokaran, For G.Prabhu Rajadurai

ORDER

The prayer of the writ petition is as follows:

This writ petition has been filed to direct the respondents to disburse the salary of the petitioner for the period from 22.07.2017 to 31.07.2017 working as Headmistress in the 4th respondent School and confer all the consequential monetary benefits.

2. The facts and circumstances which led to the filing of this writ petition is as follows:

The petitioner was serving as P.G. Assistant English with effect from 04.10.1995 in the Diocesan Schools which was managed by the TDTA



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Management. Thereafter, she was transferred to the 4th respondent School on 22.07.2017 and she served in the said School till attaining the age of superannuation on 31.05.2019. She was transferred to the 4th respondent School in the place of one Mrs.R.Christilda who was transferred to Baran Bruck Higher Secondary School, Bungalosurandai. Though Mrs.R.Christilda was relieved from the 4th respondent School by the noon on 21.07.2017, by approaching this Court by filing W.P.(MD)No.13729 of 2017, thereafter, by an order of this Court, she was permitted to continue in the 4th respondent School till her retirement. However, the petitioner continued to serve under the 4th respondent School from 22.07.2017. The petitioner's transfer to the 4th respondent School came to be approved by the 3rd respondent with effect from 01.01.2018. The petitioner was not disbursed with the salary for a period from 22.07.2017 to 31.12.2017 when she served in the 4th respondent School. Hence, this writ petition came to be filed seeking to direct the respondents to disburse the salary for the period from 22.07.2017 to 31.12.2017

3. The learned counsel appearing for the petitioner submitted that, since she continued to work from the date of transfer, that is, from 22.07.2017 till her date of superannuation in the 4th respondent School, the



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respondents ought to have disbursed the salary even for the period from 22.07.2017 to 31.12.2017, as her transfer had been approved by the 3rd respondent with effect from 01.01.2018, that is, from the next day of the date of retirement of her predecessor Mrs.R.Christilda and pressed for allowing the writ petition.

4. The learned Additional Government Pleader relying upon the counter affidavit filed by the 3rd respondent submitted that, the petitioner had made a similar claim even during the year 2018 and the same came to be rejected by the proceedings of the 3rd respondent in O.Mu.No. 597/M5/2018 dated 08.05.2018. Challenging the same, the petitioner had filed W.P.(MD)No.13938 of 2018 before this Court and this Court by an order dated 03.07.2018 had quashed the aforesaid rejection order passed by the 3rd respondent and directed the 3rd respondent to re-consider the proposal of the 4th respondent management to approve the transfer and appointment of the petitioner as Higher Secondary School Headmistress with effect from 22.07.2017 and pass necessary orders for granting salary to the petitioner from 01.01.2018 as there can be no impediment for releasing the salary from 01.01.2018, in view of the fact that the erstwhile incumbent, namely, Mrs.R.Christilda, attained the age of superannuation on



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31.12.2017. Pursuant to the same, by the order of the 3rd respondent, vide proceedings in Na.Ka.NO.3609/Aa5/2018, dated Nil.12.2018 approved the transfer and appointment of the petitioner in the 4th respondent School with effect from 01.01.2018. He also drew my attention to the order passed by this Court in W.P.(MD)No.13729 of 2017 batch, in which, this Court by an order dated 05.08.2019, had quashed the transfer order passed by the 4th respondent management, transferring the erstwhile incumbent of the petitioner, namely, Mrs.R.Christilda from the 4th respondent School to Baran Bruck Higher Secondary School, Bungalosurandai and consequently directed the official authorities to permit Mrs.R.Christilda to continue her service in the 4th respondent School till her retirement, that is, on 31.12.2017. Pointing out the aforesaid orders passed by this Court in the aforesaid writ petition, the learned Additional Government Pleader submitted that, only pursuant to the order passed by this Court in the aforesaid cases, the petitioner's appointment and transfer to the 4th respondent School came to be approved with effect from 01.01.2018, that is, very next day from the date of retirement of the erstwhile incumbent of the petitioner, namely, Mrs.R.Christilda, and on that basis categorically contended that the respondent authorities cannot act upon the petitioner's



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request to disburse the salary for the period from 22.07.2017 to 31.12.2017 and hence, pressed for dismissal of the writ petition.

5. The learned counsel appearing for the 4th respondent submitted that, during the academic year 2017-2018, there was a dispute in the corporate management TDTA, as a result of which, several transfer orders and appointment orders came to be challenged by the various employees who were serving under the corporate management TDTA and an Administrator was also appointed by this Court. All the employees, who suffered the illegal transfers and appointments made by the unauthorized officials of the corporate management TDTA had made an appeal before the Administrator in this regard and the Administrator had conducted the enquiry between the petitioner and the erstwhile incumbent Mrs.R.Christilda and concluded the enquiry in favour of the erstwhile incumbent. The petitioner having not challenged the order passed by the order of this Court in W.P.(MD)No.13938 of 2018 as well as the order passed by the Administrator in the enquiry conducted in this regard, is not entitled to claim disbursing of salary for a period from 22.07.2017 to 31.12.2017.



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6. Heard the learned counsels on either sides and carefully perused the materials available on record.

7. I have carefully perused the various orders passed by this Court. Though the learned counsel for the 4th respondent School had categorically contended that the illegal transfer of the petitioner from Samariah St.Johns Higher Secondary School to the 4th respondent School came to be negated by the Administrator appointed by this Court for the purpose of settling the various issues which emanated in the management of the corporate management, namely, TDTA, the Administrator had concluded the enquiry in favour of the erstwhile incumbent to the petitioner, namely, Mrs.R.Christilda, that she could be allowed to retire peacefully. The said order has not been placed before me. It is categorically recorded in the order passed by this Court in W.P.(MD)No.13938 of 2018 dated 03.07.2018 that the 4th respondent School had forwarded a proposal to the 3rd respondent seeking to approve the transfer and appointment of the petitioner as Higher Secondary Headmistress in the 4th respondent School from July 2017. Hence, it has come clear that the 4th respondent School has no quarrel as to the fact the petitioner was transferred from Samariah St.Johns Higher Secondary School to the 4th respondent School with effect from 22.07.2017.



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Only because of the litigation initiated by the erstwhile incumbent Mrs.R.Christilda before this Court by filing W.P.(MD)No.13729 of 2017, the 3rd respondent was put to an embarrassing situation handicapping them from approving the transfer and appointment of the petitioner with effect from 22.07.2017, in view of the fact that this Court has held in W.P.(MD)No. 13729 of 2017 directing the official respondents to permit Mrs.R.Christilda to continue her service in the 4th respondent School till her retirement on 31.12.2017.

8. This Court is well conversed with the various anomalies in the service with respect to the Administration of the various Schools in TDTA corporate management. The petitioner is an innocent teacher who had been diligently rendering her service as a teacher under the said management at the first instance at Diocesan School from 04.10.1995 and only on the order of transfer by the TDTA Management, she was transferred to the 4th respondent School. As an employee of the TDTA management immediately she was relieved from the erstwhile School at Samariah St.Johns Higher Secondary School and was permitted by the 4th respondent School themselves to join the 4th respondent School with effect from 22.07.2017 by duly issuing a relieving order to Mrs.R.Christilda in the afternoon of



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22.07.2017. While the petitioner continued to serve in the 4th respondent School, in the interregnum period, Mrs.R.Christilda had filed W.P.(MD)No. 13729 of 2017 and had obtained favourable orders to serve in the 4th respondent School till her retirement on 31.12.2017.

9. Resultantly, the petitioner was put to an unfortunate situation in such a way that though she had rendered her diligent service in the 4th respondent School under the troublesome TDTA Management from 22.12.2017 to 31.12.2017, she had suffered without disbursement of salary during that period. The official respondent, that is, the 3rd respondent has duly approved her appointment and transfer with effect from 01.01.2018 abiding the various orders passed by this Court in various writ petitions. Hence, the difficulty suffered by the petitioner for not receiving the salary for a period from 22.07.2017 to 31.12.2017 is duly attributable to the administrative anomaly of TDTA Management and the 4th respondent School and there is no mistake on the part of the petitioner.

10. In view of the same, I hereby *suo motu* implead the The Manager, TDTA Higher Secondary / Secondary Special School and Teacher Training Institute, Diocesan Office, Palayamkottai – 627 002, as 5th respondent.



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Registry is directed to carry out the necessary amendments in the cause title.

11. The petitioner is directed to make a representation afresh in this regard to the 5th respondent forthwith. On receipt of the same, the 5th respondent is directed to consider the petitioner's case and pass appropriate orders in the line of the order passed by this Court in this case within a period of twelve (12) weeks from the date of receipt of a petitioner's representation.

12. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

23.07.2024

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

1.The Director of School Education,
College Road,
Chennai-600 006.



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2.The Chief Educational Officer,
Kokkirakulam,
Tirunelveli-627 009.

3.The District Educational Officer,
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L.VICTORIA GOWRI, J.

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