



*W.P.(MD)Nos.18590 to 18592 of 2024*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 02.08.2024**

**CORAM**

**THE HONOURABLE MS JUSTICE R.N.MANJULA**

W.P.(MD)Nos.18590 to 18592 of 2024

and

W.M.P.(MD)Nos.15787, 15801 and 15790 of 2024

The Correspondent,  
Holy Family High School,  
Arukany-629 101,  
Kanyakumari District.

... Petitioner in W.P.(MD)No.18590/2024

The Correspondent,  
Holy Family Higher Secondary School,  
Mukkuttukal, Manjalumoodu Post,  
Kanyakumari District-629 151.

... Petitioner in W.P.(MD)No.18591/2024

The Correspondent,  
M.M.K.M.High School,  
Varuthattu-629 167,  
Kanyakumari District.

... Petitioner in W.P.(MD)No.18592/2024

**Vs.**

1.The State of Tamilnadu,  
Rep by its Secretary,  
Department of School Education,  
Fort. St. George,  
Chennai - 600 009.

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



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3.The Chief Educational Officer,  
Nagercoil, Kanyakumari District

4.The District Educational Officer,  
Marthandam,  
Kanyakumari District.

... Respondents in all petitions

Prayer in W.P.(MD). 18590 of 2024 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the CEO in Na.Ka.No.1212/E2/2021 dated 04.03.2024 (refusing to approve the appointment of Tmt.A.S.Johnsikala as BT Assistant (Tamil) in the petitioner school) and the impugned proceedings of the DEO in Oo.Mu.No.1137/A6/2024 dated 16.04.2024 (communicating the order of the CEO), quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of Tmt.A.S.Johnsikala as BT Assistant (Tamil) in petitioners school w.e.f. the date of her appointment viz., 03.06.2019, with all attendant benefits including the arrears of salary and allowance.

Prayer in W.P.(MD). 18591 of 2024 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the DEO in Oo.Mu.No.569/Aa3/2021 dated 30.03.2022, quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of R.Kala as BT Assistant (Science) (Malayalam Medium) in the petitioners school w.e.f. the date of her appointment viz., 01.06.2019 with all attendant benefits including the arrears of salary and allowance.



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Prayer in W.P.(MD). 18592 of 2024 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the CEO Marthandam in Na.Ka.No.1035/A1/2022 dated 13.04.2022 quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of Sister Maria Philomin Jenova .J as Secondary Grade Teacher in the petitioners school w.e.f. the date of her appointment viz., 03.06.2019, with all attendant benefits including the arrears of salary and allowance.

In all petitions:

For Petitioner : Mr.T.Cibichakraborty  
For Respondents : Mr.T.Amjadhkhan  
Government Advocate

**COMMON ORDER**

By consent of both sides, these Writ Petitions are taken up for final disposal at the admission stage itself.

2.Heard Mr.T.Cibichakraborty, learned counsel for the petitioner and Mr.T.Amjadhkhan, learned Government Advocate for the respondents.

3.The petitioners' school had appointed A.S.Johnsikala as B.T.Assistant (Tamil), R.Kala as BT Assistant (Science) and Sister Maria



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Philomin Jenova. J as Secondary Grade Teacher with effect from 03.06.2019, 01.06.2019 and 03.06.2019 respectively in the vacancy arose in the respective schools. When the proposals were submitted by the petitioners Schools seeking approval of such appointment, the same was rejected stating that there are surplus Teachers under the same corporate management and hence, the approval sought by the petitioner Schools cannot be granted.

4.The issue involved in these writ petitions has already been settled in the judgment of this Court rendered in *W.A.(MD).No.76 of 2019 batch dated 31.03.2021* in the case of *The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 V. Iruthaya Amali.*

5. The appointments in the petitioner Schools have been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the petitioner schools can get the advantage of getting approval of the appointment of A.S.Johnsikala as B.T.Assistant (Tamil), R.Kala as BT Assistant (Science) and Sister Maria Philomin Jenova. J as Secondary Grade Teacher.



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7. In view of the above stated reasons, these Writ Petitions are allowed and the impugned orders of the respondents in Na.Ka.No.1212/E2/2021 dated 04.03.2024, Oo.Mu.No.1137/A6/2024 dated 16.04.2024, Oo.Mu.No.569/Aa3/2021 dated 30.03.2022 and Na.Ka.No.1035/A1/2022 dated 13.04.2022 are set aside. The third respondent is directed to consider and pass orders regarding approval of appointment of the petitioners as B.T.Assistants and Secondary Grade Teacher, respectively with effect from 01.06.2019 and 03.06.2019. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

**02.08.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
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To

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Department of School Education,  
Fort. St. George,  
Chennai - 600 009.
- 2.The Director of School Education,  
College Road, Chennai 600 006.
- 3.The Chief Educational Officer,  
Nagercoil, Kanyakumari District
- 4.The District Educational Officer,  
Marthandam,  
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**R.N.MANJULA, J.**

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