



W.P.(MD)No.22347 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.22347 of 2022 &
W.M.P(MD)Nos.16531 and 16533 of 2022

S.Maria Hepsi Bai

... Petitioner

vs.

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

2.The Chief Educational Officer,
Tirunelveli District at Tirunelveli.

3.The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

4.The Correspondent,
CMS Evangelical Suvi David Memorial Higher
Secondary School, Karisal - 627 414,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the third respondent District Educational Officer in A.Thi.Mu.No.4107-A3/12 dated 17.12.2012, quash the same and further direct the respondents to approve



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the appointment of the petitioner as P.G. Assistant in Commerce in the fourth respondent School *w.e.f.* 14.08.2012 and disburse grant-in-aid towards her salary and other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.M.Siddharthan,
Additional Government Pleader
for R1 to R3

ORDER

Heard Mr.S.Xavier Rajini, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents 1 to 3.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus calling for the records of the impugned proceedings issued by the third respondent in A.Thi.Mu.No.4107-A3/12 dated 17.12.2012, quash the same and further direct the respondents to approve her appointment as P.G. Assistant in Commerce in the fourth respondent School *w.e.f.* 14.08.2012 and disburse grant-in-aid towards her salary and other monetary benefits.



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3. The petitioner was appointed as a P.G. Assistant (Commerce) in the fourth respondent School on 14.08.2012. The proposal sent by the School to the third respondent requesting to grant approval to the appointment of petitioner was returned by *citing* the reason of pendency of W.P.(MD)Nos.12531 and 14532 of 2012 before this Court.

4. The above said writ petitions came to be filed in view of the dispute between two different groups of the members of the Management. One of the parties have challenged the appointment of Secretary to the School Management Committee. But, the said writ petitions have been closed on 10.11.2017 itself stating that the parties can workout their remedies in the pending appeals and nothing survives in the writ petitions for further adjudication. This petitioner was appointed by the very same Management, whose appointment has been challenged by the opposite party.

5. It is to be noted that the appointment made by the very same School Management in respect of one Suganthi and one Sweetlin to the



post of B.T. Assistant was challenged in W.A.Nos.408 and 409 of 2008, wherein, vide order dated 17.06.2008, following orders have been passed.

"Considering the above facts and circumstances of the case, the learned single Judge on the basis of the submission made by the learned Additional Government Pleader decided to direct the second respondent herein to approve the appointment of the writ petitioners. Even as per the submission made by the learned counsel for the appellant, D.Chellam was holding the office as Correspondent by the proceedings of the second respondent herein dated 31.01.2006 for the period from 02.06.2005, the date on which the writ petitioners were appointed as Junior Grade B.T. Assistants. Subsequently, on 21.11.2006, the appointment of D.Chellam was cancelled. Therefore, from the above, it is clear that on the date of appointment of the writ petitioners / first respondent in both the appeals, the person who had acted as Correspondent has got power to appoint the writ petitioners as Junior Grade B.T. Assistants."

6. In view of the above orders, it is submitted that the appointment made by validly appointed School Committee cannot be held illegal and approval should be granted. The respondents did not raise any



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objection as to the validity of the School Committee which was managing the state of affairs of the School at the time when the petitioner's appointment was made. In such circumstances, it is for the fourth respondent to re-submit the proposal by clarifying that the writ petitions are no more pending and seek approval of appointment of petitioner as P.G. Assistant (Commerce). Even in the absence of the proposal, the third respondent who is a party to the earlier writ petitions should know about the disposal of writ petitions. Hence, the third respondent cannot wait till the re-submission of the proposal by the fourth respondent and keep the file pending. Since the writ petitions mentioned in the impugned order have already been disposed, there cannot be any hurdle for the third respondent to grant approval to the appointment of the petitioner as P.G. Assistant (Commerce), if it is otherwise in order.

7. In view of the above observations, the writ petition is **disposed of** and the fourth respondent shall re-submit the proposal to the third respondent with regard to the approval of appointment of the petitioner as P.G. Assistant (Commerce). In case, the fourth respondent



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School has not re-submitted the papers, the third respondent who has returned the papers unnecessarily has to call for the Management within two weeks to re-submit the proposal and then, pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of the proposal re-submitted by the Management. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

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R.N.MANJULA, J.

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