



WP.(MD).Nos.21008 to 21016 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 08.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)Nos21008 to 21016 of 2023

and

**W.M.P.(MD)Nos.17423,17424, 17429,
17441,17427,17430,17432,17434, 17431, 17433,17437,
17439,17436,17440,17435,17438, 17442 and 17443 of 2023**

W.P.(MD)No.21008 of 2023:-

J.Benjamin Soundarapandian

... Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 3.The District Educational Officer,
Valliyoor,
Tirunelveli District.
- 4.The Block Educational Officer,
Nanguneri, Tirunelveli District.
5. The Correspondent,



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CMS Evangelical Middle School,
Paruthipadu-627 354,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.625/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondent to approve forthwith the appointment of petitioner as BT Assistant (Science) in the 5th respondent CMS Evangelical Middle School, Paruthipadu, w.e.f., the date of his appointment viz., 03.11.2021, with all attendant benefits including arrears of salary.

W.P.(MD)No.21009 of 2023:-

T.Augustin Devadoss

... Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Chennai 600 006.
- 2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 3.The District Educational Officer,
Valliyoor,



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Tirunelveli District.

4. The Block Educational Officer,
Nanguneri, Tirunelveli District.

5. The Correspondent,
CMS Evangelical Middle School,
Alwaneri,
Tirunelveli District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.620/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondent to approve forthwith the appointment of petitioner as BT Assistant (Science) in the 5th respondent CMS Evangelical Middle School, Alwaneri, w.e.f., the date of his appointment viz., 03.11.2021, with all attendant benefits including arrears of salary.

W.P.(MD)No.21010 of 2023:-

K.Feliciyal

... Petitioner

Vs.

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



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

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

4.The Block Educational Officer,
Nanguneri, Tirunelveli District.

5. The Correspondent,
CMS Evangelical Middle School,
Maruthakulam,
Tirunelveli District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.623/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondent to approve forthwith the appointment of petitioner as BT Assistant (English) in the 5th respondent CMS Evangelical Middle School, Maruthakulam, w.e.f., the date of her appointment viz., 08.11.2021, with all attendant benefits including arrears of salary.

W.P.(MD)No.21011 of 2023:-

S.Selvarani

... Petitioner



WP.(MD).Nos.21008 to 21016 of 2023

Vs.

WEB COPY

1. The Director of School Education,
College Road,
Chennai-600 006.
2. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
3. The District Educational Officer,
Valliyoor,
Tirunelveli District.
4. The Block Educational Officer,
Nanguneri, Tirunelveli District.
5. The Correspondent,
CMS Evangelical Middle School,
Ambalam,
Tirunelveli District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.619/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondent to approve forthwith the appointment of petitioner as BT Assistant (Maths) in the 5th respondent CMS Evangelical Middle School, Ambalam, w.e.f., the date of his appointment viz., 08.11.2021, with all attendant benefits including arrears of salary.



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W.P.(MD)No.21012 of 2023:-

P.Jeba Jancy Rajam

... Petitioner

Vs.

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

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

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

4.The Block Educational Officer,
Nanguneri, Tirunelveli District.

5. The Correspondent,
CMS Evangelical Primary School,
Moonradaipu-melur,
Nanguneri Taluk,
Tirunelveli District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.626/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondent to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the 5th respondent CMS Evangelical Primary School, Moonradaippu-melur,

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w.e.f., the date of her appointment viz., 03.11.2021, with all attendant benefits including arrears of salary.

W.P.(MD)No.21013 of 2023:-

V.Jerin

... Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 3.The District Educational Officer,
Valliyoar,
Tirunelveli District.
- 4.The Block Educational Officer,
Nanguneri, Tirunelveli District.
5. The Correspondent,
CMS Evangelical Primary School,
Vethapuram,
Nanguneri Taluk,
Tirunelveli District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.624/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondent to approve forthwith

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WP.(MD).Nos.21008 to 21016 of 2023

the appointment of petitioner as Secondary Grade Teacher in the 5th respondent CMS Evangelical Primary School, Vethapuram, w.e.f., the date of her appointment viz., 08.11.2021, with all attendant benefits including arrears of salary.

W.P.(MD)No.21014 of 2023:-

D.Prema

... Petitioner

Vs.

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

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

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

4.The Block Educational Officer,
Nanguneri, Tirunelveli District.

5. The Correspondent,
CMS Evangelical Primary School,
Pathiniparai,
Nanguneri Taluk,
Tirunelveli District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus, calling for the



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records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.621/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondents to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the 5th respondent CMS Evangelical Primary School, Pathiniparai, w.e.f., the date of her appointment viz., 03.11.2021, with all attendant benefits including arrears of salary.

W.P.(MD)No.21015 of 2023:-

T.Sangeetha

... Petitioner

Vs.

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

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

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

4.The Block Educational Officer,
Nanguneri, Tirunelveli District.

5. The Correspondent,
CMS Evangelical Primary School,
Moonradaip-Chattiram,
Nanguneri Taluk,
Tirunelveli District

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Ceteroraified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.627/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondent to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the 5th respondent CMS Evangelical Primary School, Moonradaippu Chattiram, w.e.f., the date of her appointment viz., 03.11.2021, with all attendant benefits including arrears of salary.

W.P.(MD)No.21016 of 2023:-

J.Sheela Selvamary

... Petitioner

Vs.

- 1.The Director of School Education,
College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 3.The District Educational Officer,
Valliyoor,
Tirunelveli District.
- 4.The Block Educational Officer,
Nanguneri, Tirunelveli District.
5. The Correspondent,
CMS Evangelical Primary School,
Serthanarkulam,



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Nanguneri Taluk,
Tirunelveli District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in O.Mu.No.613/A2/2022 dated 28.03.2022, quash the same, and further direct the 3rd respondent to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the 5th respondent CMS Evangelical Primary School, Serthanarkulam, w.e.f., the date of her appointment viz., 03.11.2021, with all attendant benefits including arrears of salary.

In all Writ Petitions:

For Petitioner : Mr.K.Ragetheesh Kumar

For Respondents 1 to 4 : M/s.P.T.Thiraviyam
Government Advocate

COMMON ORDER

All the Writ Petitions have been filed seeking to quash the impugned order passed by the 3rd respondent District Educational Officer, dated 28.03.2022 and consequently, direct the 3rd respondent to approve forthwith the appointment of all the petitioners w.e.f., the date of their appointment, with all attendant benefits including arrears of salary.



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2. The brief facts which are necessary for the disposal of this Writ

Petitions are as follows:-

All the writ petitioners are BT Assistants and Secondary Grade Teachers respectively working in the various schools of the Corporate Management, namely CMS Evangelical Church Society. The proposals to approve the appointment of the petitioners' were submitted by the respective schools to the 3rd respondent DEO through BEO during 2021. The DEO returned the proposals declining to approve the petitioners' appointment stating that the proposals would be considered only after the disposal of the Special Leave Petition pending before the Hon'ble Apex Court as against the order of W.A.(MD)No.76 of 2019 batch dated 31.03.2021 and W.A.(MD)No.1870 of 2021 pending before this Court challenging the Correspondent-ship. Hence, these writ petitions came to be filed. The details of the petitioners are extracted as follows:



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Sl. No.	Case No.	Petitioner	Post & Date of Appointment	Vacancy	1 st Proposal date	2 nd proposal date	Impugned orders
1.	W.P. (MD)No .21008 of 2023	J.Benjamin Soundarapandian , CMS Evangelical Middle School, Paruthipadu	BT Assistant (Science) 03.11.2021	Transfer of Tmt. Gnanaselvi on 03.11.2021	16.11.2021	29.04.2022	O.Mu.No. 625/A2/2022 dated 28.03.2022
2.	W.P. (MD)No .21009 of 2023	T. Augustin Devadoss CMS Evangelical Middle School, Alwaneri	BT Assistant (Science) 03.11.2021	Retirement of Tmt. Nisisugantham on 31.03.2014	16.11.2021	29.04.2022	O.Mu.No. 620/A2/2022 dated 28.03.2022
3.	W.P. (MD)No .21010 of 2023	K. Felciyal CMS Evangelical Middle School, Maruthakulam	BT Assistant (English) 08.11.2021	Promotion of Tmt. S. Alex Sunitha on 08.11.2021	16.11.2021	29.04.2022	O.Mu.No. 623/A2/2022 dated 28.03.2022
4.	W.P. (MD)No .21011 of 2023	S. Selvarani CMS Evangelical Middle School, Ambalam	BT Assistant (Maths) 08.11.2021	Promotion of Tmt. Rajmary on 08.11.2021	16.11.2021	29.04.2022	O.Mu.No. 619/A2/2022 dated 28.03.2022
5.	W.P. (MD)No .21012 of 2023	P. JebaJancyRajam CMS Evangelical Primary School, Moonradaipu-Melur	Secondary Grade Teacher 03.11.2021	Promotion of Tmt. S. Mary Marget on 03.11.2021	16.11.2021	29.04.2022	O.Mu.No. 626/A2/2022 dated 28.03.2022



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6.	W.P. (MD)No .21013 of 2023	V. Jerin CMS Evangelical Primary School, Vethapuram	Secondary Grade Teacher 08.11.2021	Transfer of Tmt. J. Ezhlisabath on 08.11.2021	16.11. 2021	29.04.2022	O.Mu.No. 624/A2/202 2 dated 28.03.2022
7.	W.P. (MD)No .21014 of 2023	M. Prema CMS Evangelical Primary School, Pathiniparai	Secondary Grade Teacher 03.11.2021	Promotion of Tmt. JebathuraiM aneshaKovilp illai on 03.11.2021	16.11. 2021	29.04.2022	O.Mu.No. 621/A2/202 2 dated 28.03.2022
8.	W.P. (MD)No .21015 of 2023	T. Sangeetha CMS Evangelical Primary School, Moonradaipu- Chattiram	Secondary Grade Teacher 03.11.2021	Transfer of Tmt. Pusparani on 03.11.2021	16.11. 2021	29.04.2022	O.Mu.No. 627/A2/202 2 dated 28.03.2022
9.	W.P. (MD)No .21016 of 2023	J. SheelaSelvamar y CMS Evangelical Primary School, Serthanarkulam	Secondary Grade Teacher 03.11.2021	Retirement of Tmt. ReetaValarm athi on 31.05.2019	16.11. 2021	29.04.2022	O.Mu.No. 613/A2/202 2 dated 28.03.2022

3. The learned Counsel appearing for the petitioner relying upon the order passed by this Court in W.P.(MD)No.20458 of 2023 dated 14.12.2023 submitted that, the said order is squarely applicable to the facts and circumstances of this case and pressed for allowing the Writ Petitions.



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4. Per contra, the 3rd respondent has filed a counter and the learned Government Advocate submitted that without exhausting the surplus teachers available within the same Corporate Management, the petitioners' proposal could not be considered. He further submitted that a connected issue in W.P.(MD)No.23052 of 2023 is pending before this Court and the same has been filed by the rival claimants of the Corporate Management. In view of the same, he pressed for dismissal of the writ petition.

5. However, the learned Counsel appearing for the petitioner immediately responded to the same that, the said matter has already been settled before this Court in W.P.(MD)No.20311 of 2021 batch dated 04.04.2022 and an appeal was preferred as against the same in W.A. (MD)No.400 of 2021 which was dismissed on 06.06.2022 and hence, the same has attained finality. As far as the claim of the learned Government advocate as to the exhausting the surplus teachers are concerned, the learned Counsel for the petitioners' submitted that the respondents themselves have already deployed the surplus teachers within the corporate Management.



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6. In view of the said submission, as far as the dispute as to correspondentship within the corporate management is concerned, the same has been duly settled by the direction of this Court in W.P. (MD)Nos.20311 of 2021 batch, registering the respective correspondents of the various schools administered by the Corporate Management and the same has attained finality in W.A.(MD)No.400 of 2021.. Therefore, the said ground cannot be raised by the authorities. That apart, the petitioners' School is a Miniority Institution.

7. In view of the same, the impugned order dated 28.03.2022, 3rd respondent is directed to verify if there are suplus in Secondaray Grade Teachers and BT Assistants within the Corporate Management for the academic year 2021-2022 during which the petitioners' were appointed. In case, if the 3rd respondent arrives at a finding that there are no surplus within the corporate management during the academic year 2021-2022, then the 3rd respondent is directed to pass appropriate orders approving the appointment of the petitioners' with effect from the date of their appointment with all monetary benefits, if they are otherwise qualified.



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The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.03.2024

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

To

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

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

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

4.The Block Educational Officer,
Nanguneri, Tirunelveli District.

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5. The Correspondent,
CMS Evangelical Middle School,
Paruthipadu 627 354,
Tirunelveli District.
6. The Correspondent,
CMS Evangelical Middle School,
Alwaneri,
Tirunelveli District.
7. The Correspondent,
CMS Evangelical Middle School,
Maruthakulam,
Tirunelveli District.
8. The Correspondent,
CMS Evangelical Middle School,
Ambalam,
Tirunelveli District.
9. The Correspondent,
CMS Evangelical Primary School,
Moonradaipu-melur,
Nanguneri Taluk,
Tirunelveli District.
10. The Correspondent,
CMS Evangelical Primary School,
Vethapuram,
Nanguneri Taluk,
Tirunelveli District.
11. The Correspondent,
CMS Evangelical Primary School,
Pathiniparai,
Nanguneri Taluk,



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Tirunelveli District.
12.The Correspondent,
CMS Evangelical Primary School,
Moonradaip-Chattiram,
Nanguneri Taluk,
Tirunelveli District

13.The Correspondent,
CMS Evangelical Primary School,
Serthanarkulam,
Nanguneri Taluk,
Tirunelveli District



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L.VICTORIA GOWRI, J.

Sml

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08.03.2024