



W.P.(MD)No.22730 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.22730 of 2024

and

W.M.P(MD)Nos.19252 and 19253 of 2024

J.D.Christopher Asir

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai.

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

3.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

4.St.Andrews Girls Higher Secondary School,
Rep. by its Correspondent,
Ramanad District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to



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the proceedings issued by the third respondent in his proceedings in Na.Ka.No.2641/A5/2020 dated 21.03.2023 and quash the same as illegal and consequently directing the respondents 1 and 2 to approve the appointment of the Petitioner with effect from 04.08.2017 in the post of B.T.Assistant (English) in the fourth respondent school with all attendant service and monetary benefits within the period that may be stipulated by this Court.

For Petitioner : M/s.H.Jasima Yasmin
For M/s.Ajmal Associates

For R1 ro R3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a B.T.Assistant (English) appointed in the fourth respondent school, challenging the order, dated 21.03.2023, passed by the third respondent herein, wherein, the authority has sought for two copies of the order passed in W.P.(MD)No.10705 of 2020.

2. The petitioner herein was appointed as B.T.Assistant (English) by the fourth respondent management by an order, dated 03.08.2017. The proposal forwarded by the management was rejected by the authorities by an order, dated 04.06.2018 citing that the petitioner has not cleared TET examination. The said



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order was challenged by the petitioner in W.P(MD)No.13935 of 2018. This

Court by an order, dated 29.06.2018 set aside the said order and directed to reconsider the proposal without insisting upon pass in TET examination.

3. The second respondent herein had passed an order, dated 30.06.2019 rejecting the proposal for the second time citing different reasons.

4. According to the second respondent, the school is having surplus teachers in the subject of Mathematics and Science and therefore, they will be able to handle English subject. This order was challenged by the petitioner in W.P(MD)No.10705 of 2020. The said writ petition was clubbed along with several writ petitions and writ appeals in a batch of W.A.No.76 of 2019 and heard by the Division Bench of this Court. The Division Bench of this Court disposed of the writ appeals and writ petitions on 31.03.2021 with a series of directions.

5. The said judgment of the Division Bench of this Court was challenged before the Hon'ble Supreme Court of India in S.L.P.No.15702 of 2021 and the said special leave petition was disposed of on 16.02.2024 by directing the concerned authority to approach the High Court granting liberty to adjudicate



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upon the issue raised in Paragraph No.95 (m) of the judgment of the Division

Bench of this Court.

6. The second respondent herein raising doubts over the fact, whether the order, dated 30.06.2019 was set aside or not, has called for two copies of the judgment of the Division Bench of this Court under the impugned order. Hence, the present writ petition.

7. According to the learned counsel for the petitioner, individual writ petition was not dealt with by the Division Bench of this Court and no specific orders were passed either sustaining or reversing the orders passed by the concerned authorities. Therefore, the learned counsel for the petitioner contended that reasons assigned by the second respondent that the Mathematics and Science teachers could handle English subject is not legally sustainable and liable to be set aside.

8. Per contra, the learned Additional Government Pleader for the respondents 1 to 3 contended that unless the decision of this Court challenging the order, dated 30.06.2019 is clarified, the authorities would not be in a position either to approve or to reject the appointment. He further contended



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that the present impugned order cannot give any cause of action to the petitioner to file a writ petition, in view of the fact, that the authority has merely sought for two copies of the judgment of the Division Bench of this Court and they have neither rejected the proposal nor returned the proposal.

9. I have carefully considered the submissions made on either sides and perused the materials on record.

10. This is the third round of litigation at the instance of the teacher, who was appointed on 04.08.2017 as B.T.Assistant (English) in the fourth respondent aided minority institution.

11. In the first round of litigation, this Court was pleased to direct the authorities to consider the proposal of the school management without insisting upon TET certificate. In the second round of litigation, challenging the order, dated 30.06.2019, the Hon'ble Division Bench of this Court pleased to pass series of direction to consider how the surplus has to be dealt with.

12. A perusal of the order, dated 30.06.2019 will clearly indicate that it is a result of non-application of mind. A Mathematics teacher or a Science teacher



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To:

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R.VIJAYAKUMAR, J.

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