



W.A(MD) Nos.1585 and 1586 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.A(MD) Nos.1585 and 1586 of 2018
and
C.M.P (MD) Nos.11339 and 11340 of 2018**

W.A. (MD) No.1585 of 2018:

Christi Bai

... Appellant/Petitioner

-VS-

1. The Secretary,
Department of School Education,
State of Tamil Nadu, Secretariat,
Fort St.George, Chennai-9.
2. The Director of School Education,
DPI Campus, Chennai-6.
3. The District Educational Officer,
Cheranmadevi at Tirunelveli.
4. The Manager,
Concordia High & Higher Secondary,
O/o.The Manager of Schools,
Nagercoil Synod-India Evangelical Lutheran Church,
Lutheran Centre, Nagercoil-001.
5. The Correspondent,
Concordia Higher Secondary School,



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Vallioor, Tirunelveli District.

6. S.Karanaraj

7. T.Baskar

8. The Chief Educational Officer,
Tirunelveli District.

***[Suo motu impleaded by the order
of this Court dated 03.09.2024
in W.A. (MD) No.1585 and 1586
of 2018]***

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside
the order passed in W.P. (MD) No.17587 of 2016 dated 26.03.2018.

For Appellant : Mr.T.Pon Ramkumar

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R1 to R3
Mr.S.Balamurugan for R6
Mr.S.C.Herold Singh for R7
No appearance for R4 & R5

W.A. (MD) No.1586 of 2018:

Christi Bai

... 3rd Party

-VS-

1. T.Baskar

... Respondent No.1
/Petitioner

2.The District Educational Officer,
Cheranmadevi at Tirunelveli.

3. The Correspondent/Manager,
Concordia Higher Secondary School,
Vallioor, Tirunelveli District.



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4. The Manager,
Concordia Higher Secondary School,
Vallioor – 627 117, Tirunelveli District.

5. The Chief Educational Officer,
Tirunelveli District.

***[Suo motu impleaded by the order
of this Court dated 03.09.2024***

in W.A. (MD) No.1585 and 1586

of 2018] ... Respondents 2 to 4

/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside
the order passed in W.P. (MD) No.18260 of 2013 dated 26.03.2018.

For Appellant : Mr.T.Pon Ramkumar

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate for R2
Mr.S.Balamurugan for R4
Mr.S.C.Herold Singh for R1
No appearance for R3

COMMON JUDGMENT

The Writ Petitioner in W.P. (MD) No.17587 of 2016 has
filed W.A. (MD) No.1585 of 2018. The same appellant has filed W.A.
(MD) No.1586 of 2018 after having obtained leave to file the appeal as
third party aggrieved person, questioning the order in W.P. (MD) No.
18260 of 2013.



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2. Both the writ petitions in W.P. (MD) No.18260 of 2013 and W.P. (MD) No.17585 of 2016 were taken up together by the learned Single Judge and by a common order dated 26.03.2018, the learned Single Judge had passed the following order:-

“8.In this view of the matter, the District Educational Officer, Cheran Mahadevi, Tirunelveli District is directed to consider both the proposals submitted by the Headmaster as well as the management and take a decision by conducting an enquiry and after affording reasonable opportunity to all the parties concerned and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.”

3.The relief sought in W.P.(MD) No.17587 of 2016 was in the nature of a certiorarified mandamus seeking records relating to an order passed by the third respondent therein, District Educational Officer, Cheranmahadevi at Tirunelveli District in proceedings No.O.Mu. 95/A1/2014, dated 20.02.2014 and to quash the same and to direct the



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first, second and third respondents, namely, the Secretary, Department of School Education, State of Tamil Nadu, Chennai and the Director of School Education, DPI Campus, Chennai and the District Educational Officer, Cheranmahadevi at Tirunelveli, to approve the promotion of the writ petitioner, Christi Bai as P.G.Assistant (Tamil) from 01.03.2007 in the fifth respondent School namely, Concordia Higher Secondary School, Valliyoor in Tirunelveli District, within a stipulated time and to grant all service and monetary benefits.

4. Parallely, the seventh respondent in the said writ petition, T.Baskar had filed W.P. (MD) No.18260 of 2013 seeking a mandamus directing the first respondent therein namely, District Educational Officer, Cheranmahadevi at Tirunelveli District, to consider a representation given by him dated 24.09.2013 and approve his appointment as P.G.Assistant in Tamil with effect from 01.06.2006 in the very same School, Concordia Higher Secondary School, Valliyoor, Tirunelveli District.

5. The learned Single Judge was thus placed with two separate contentions for the very same post of P.G.Assistant (Tamil) in



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the very same School, Concordia Higher Secondary School, Valliyoor,
Tirunelveli District.

6. The learned Single Judge after having heard the argument advanced, had observed as follows in paragraph No.7:-

“7.However, this Court cannot decide those factual disputes prevailing between the parties to the lis in these Writ Petitions under Article 226 of the Constitution of India. The power of the original authority for grant of approval cannot be denied nor can be taken away at this stage. This Court is of an opinion that the authorities competent should be allowed to exercise their powers in accordance with the provisions of the Acts and Rules. Intermittent intervention in administrative decisions are not preferable. The authorities competent in all respects should be allowed to conduct an enquiry in view of the facts and circumstances of each and every case and permitted to take a decision one way or other. The High Court while exercising the powers under Article 226 of the Constitution of India cannot intervene during the process of decision making. If the process being conducted in violation of statute or established principles, then alone the High Court can interfere. In all



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circumstances, the authorities must be allowed to exercise their power. If at all any final decision is taken, then alone the parties will get a cause of action to file a Writ Petition and not otherwise. In the present Writ Petitions, it is admitted that the proposal in respect of Smt.Christi Bai was submitted by the management and proposal in respect of Mr.T.Baskar was submitted by the Management of the school. However, the competent educational authorities should conduct an enquiry by providing opportunity to the Parties concerned, take a decision and pass orders on merits and in accordance with law.”

7. It is under those circumstances, that he had referred the matter to the District Educational Officer, Cheranmahadevi in Tirunelveli District, to consider both the proposals of the Headmaster as well as the Management and take a decision by conducting an inquiry after affording reasonable opportunity to all the parties concerned.

8. Questioning this particular direction given by the learned Single Judge, the writ petitioner in W.P. (MD) No.17587 of 2016 had filed the writ appeal in W.A.(MD) No.1585 of 2018 and as third party after obtaining leave, had also filed W.A.(MD) No.1586 of 2018.



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9. The learned Counsel for the appellant pointed out that subsequently there has been a further development and on 31.07.2018, in Transfer C.S.No.741 of 2017 examining the dispute among the management of India Evangelical Lutheran Church, which controls and administers Concordia Higher Secondary School, by an order dated 31.07.2018, the Hon'ble Mr.Justice D.Hari Paranthaman, former Judge of the Madras High Court had been appointed as an Administrator of India Evangelical Lutheran Church.

10. It had been stated the learned Administrator had examined the credentials of the writ appellant Christi Bai and also T.Baskar, writ petitioner in W.P. (MD) No.18260 of 2013 and had forwarded a report on 17.06.2020 in letter No.054/Admin/IELC/2020 addressed to the Chief Educational Officer, Tirunelveli District and the District Educational Officer, Valliyoor, Tirunelveli District.

11. It had been further informed to us that subsequently, elections had been conducted to the India Evangelical Lutheran Church and a newly elected body had taken charge of the said Church. The



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Administrator had relinquished his post and had handed over the charge to the elected body also. However, his report still stands.

12. We would therefore direct the Chief Educational Officer, Tirunelveli District, who now has the report of the Administrator dated 17.06.2020 to conduct an inquiry on the basis of the said report, issue notice to the writ appellant, Christi Bai and also to the writ petitioner in W.P. (MD) No.18260 of 2013, T.Baskar, afford them both opportunity of putting forward their respective claims and if required, also give them an opportunity of personal hearing and thereafter, pass a considered order relating to their respective credentials to be appointed as P.G.Assistant (Tamil) in Concordia Higher Secondary School, Valliyoor, Tirunelveli District. The Chief Educational Officer, Tirunelveli District, may pass necessary orders approving either one of the two candidates to be appointed as P.G.Assistant (Tamil). Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this judgment.

13. We are placing this obligation on the Chief Educational Officer, Tirunelveli District, since it had been represented by the learned



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Government Advocate that the Chief Educational Officer, Tirunelveli District, is the competent authority to adjudicate on this issue.

14. However, we find from the records that the Chief Educational Officer, Tirunelveli District, is not a party to either the two writ petitions or the writ appeals. We would therefore, in order to enable the implementation of this order in letter and spirit, implead the Chief Educational Officer, Tirunelveli District, as a further respondent in both the writ appeals.

15. Registry to carry out that particular amendment in the cause-title before issuing the order copy and also reflect that particular amendment in the order copy when issued.

16. With the above direction, these Writ Appeals stand disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

[C.V.K., J.] [J.S.N.P., J.]
03.09.2024

Index: Yes



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Speaking
Neutral citation: Yes
PKN

To

1. The Secretary,
Department of School Education,
State of Tamil Nadu, Secretariat,
Fort St.George, Chennai-9.
2. The Director of School Education,
DPI Campus, Chennai-6.
3. The District Educational Officer,
Cheranmadevi at Tirunelveli.
4. The Chief Educational Officer,
Tirunelveli District.



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C.V. KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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