



WA(MD). No.427 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04/03/2025

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

WA(MD). No.427 of 2025

Sasi Pramila

... Appellant

v.

1.The Administrator
India Evangelical Lutheran Church (IELO)
No.47 Eldams Road, Teynampet, Chennai 600 018.

2.The Chief Educational Officer,
Tirunelveli District, Tirunelveli

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

4.N.Anitha Jasmine

... Respondents

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 27.01.2025 in WP(MD). No.20933 of 2021.

For Appellant : Mr.G.Thalaimutharasu
For Respondents : Mr.J.Ashok
Additional Government Pleader



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JUDGMENT

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(Judgment of the Court was delivered by J.NISHA BANU,J.)

The writ appeal is directed against the order of the writ Court dated 27.01.2025 passed in WP(MD) No.20933 of 2021.

2. The writ petitioner is the appellant herein.

3. The appellant had filed the writ petition challenging the impugned rejection order of the 1st respondent dated 17.06.2020 in and by which the appellant's appointment was rejected and for a direction to the official respondents to approve her appointment. The writ Court dismissed the writ petition, against which, the petitioner/appellant is before this Court.

4. The writ appeal is filed mainly on the ground that the approval and appointment of the 4th respondent is non-est in the eye of law. It is the further ground that the 4th respondent was appointed by an unapproved Correspondent, whose post as Correspondent was quashed by this Court, which was subsequently confirmed by the Apex Court.



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Therefore, the appointment made by the erstwhile unapproved Correspondent is to be rejected and the appointment of the appellant is to be approved. It is also her case that the writ Court has not considered the fact that the 4th respondent did not participate in the selection process and though the appellant was working from the year 2012, her appointment was not approved and the 4th respondent's appointment, which was made in the year 2015, was approved and the writ Court has not considered the said fact also. On these grounds, the appellant prays for interference.

5. The learned Additional Government Pleader would submit that the respondents would submit that when similar writ appeals were filed by the department, a Coordinate Bench of this Court dismissed the writ appeals vide judgment dated 01.10.2025 in WA(MD) Nos.409, 161 and 162 of 2023.

6. Heard the learned counsel for the appellant and the learned Additional Government Pleader for the respondents and perused the materials available on record.



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7. The case of the appellant and the 4th respondent has a checkered history.

8. The appellant herein was appointed as BT Assistant in the year 2012 by the Parent Teachers Association under the first respondent school. In the vacancy arose in the year 2013, due to the superannuation of one Bose (PG Assistant Commerce), the appellant was appointed to the said post on 18.04.2018 in the post of P.G.Assistant Commerce. Subsequently, a proposal was sent to the official respondents to approve her appointment. However, since the same has not been approved, the appellant had filed a writ petition before this Court in WP(MD) No. 10529/2019 to consider her representation. The authorities rejected the said representation stating that she was appointed by one P.Manuel Yesuraj, whose appointment itself was quashed by this Court.

9. It is the case of the appellant that she was appointed to the post of PG Assistant (Commerce) in the year 2018 in the retirement vacancy of One Bose. Likewise, the 4th respondent was also appointed to the very same post in the same retirement vacancy in the year 2015 as PG

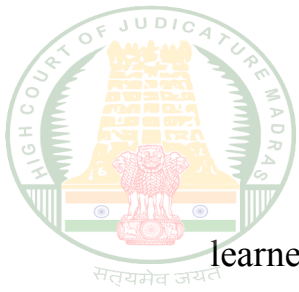


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Assistant (Commerce). It is pertinent to note that for the very same post, one Maria Theresa was also appointed in the year 2022. Both Maria Theresa and the 4th respondent was appointed by one Correspondent V.A.Raj, whereas the appellant was appointed by one Correspondent Manuel Yesuraj. This Court has quashed the appointments of both Correspondents and the Apex Court had also confirmed the same.

10. The appellant and the 4th respondent had filed various writ petitions to approve their respective appointments. However, those representations were rejected as if they both were appointed by unapproved Correspondents.

11. Since there are rival groups and internal disputes in the schools of IELC, the schools were brought under direct payment. This Court had also appointed a retired Judge of this Court as Administrator of the first respondent IELC. Subsequently when all the teaching and non teachings staff of the first respondent schools approached the learned Administrator, the learned Administrator conducted enquiry by issuing notice to all concerned. On the basis of the enquiry conducted, the



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learned Administrator had approved the appointment of the 4th respondent as PG Assistant (Commerce) at the Concordia Higher Secondary School, Valliyoor, Tirunelveli District.

12. It is also to be noted that the issue in this case is no longer *res integra* in view of the judgment passed by this Court in WA(MD) Nos. 409, 161 and 162/2023. In the said judgment, a Coordinate Bench of this Court had dismissed the writ appeals filed by the department vide judgment dated 01.10.2024. In the said judgment, it has been held thus:

“10. Admittedly, the second respondent school in all the writ appeals are under the control of the third respondent and admittedly, there was rival claims and dispute between school management and also the school was brought under direct payment and in the meanwhile, the Principal Bench of this Court appoint one retired Judge of this Court MR.JUSTICE D.HARIPARANTHAMAN as Administrator and already the first respondent in all the writ appeals were working as P.G Assistant (Commerce), P.G.Assistant (Zoology) and Headmistress. Since their request for approval of appointment was not considered subsequently they filed Writ petitions. In the earlier occasion, one V.A.Raj appointed one Maria Theresa as P.G.Assistant(Tamil) in the vacancy arose on account of retirement of one Prema and one Sasi Parimala was appointed by Manuel in the capacity of correspondent and subsequently, his correspondence was cancelled



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by the Honourable Apex Court. Thereby the appointment made by him become void. The Administrator appointed by this Court has challenged the approval granted for appointment of V.A.Raj in W.P(MD)No.10171/2021 and this Court was pleased to allow the Writ Petition by order, dated 11.3.2021. As against the said order, Mr.V.A.Raj filed writ appeal in W.A(MD)NO.1214/2021 and the same was also dismissed by the Division Bench of this Court by order, dated 28.6.2021. However, as pointed out by the learned senior counsel for the first respondent, subsequently, by proceeding, dated 27.10.2022, the proceedings of the Chief Educational Officer has approved the appointment of one Maria Theresa appointed by V.A.Raj and therefore, this case was also similarly placed persons as that of Maria Theresa. While the Management was in dispute at the relevant point of time, schools are brought under direct payment scheme and the rival parties have appointed teachers and one of such case, the appellants implemented the order. Therefore they cannot state that neither the Administrator nor the persons who appointed, has no authority. Admittedly, in this case, the Honourable Administrator, has considered the entire materials and approved the appointment/promotion of the first respondent in all the Writ Appeals and the Petitioners in the Writ Petitions and therefore, the learned Single Judge has given direction to approve the appointment/promotion of them. Therefore the learned Single Judge directed the respondents therein to approve the appointment of the first respondents herein as that of the similarly placed person covered in W.P(MD)No.10071 of 2011 and appeal in W.A(MD)No.1214 of 2021 and they cannot now turn around and take a different stand in these cases considering the decision



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rendered by the Honourable Supreme Court cited supra.

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11. Therefore, in these circumstances, for the reasons stated above, this Court does not find any reason to interfere with the findings rendered by the learned Single Judge and as such, all the Writ Appeals stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

13. When the appointments of both the appellant and the 4th respondent were not approved since they were appointed by the erstwhile Correspondents, whose Correspondentship were quashed by this Court and the Apex Court, it is rightly held by the writ Court that the appellant is not entitled to be considered to the post of PG Assistant Commerce. Thus, it is clear that the appointment of the 4th respondent was rightly approved by the learned Administrator. To substantiate the same, the respondent authorities had produced a proceedings dated 25.11.2024 to show that as per the recommendation of the learned Administrator, the appointment of the 4th respondent was approved from 20.07.2015.

14. The writ Court, considering all these aspects and on a threadbare analysis, had rightly dismissed the plea of the appellant.



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15. For all these reasons, we do not find any illegality or infirmity in the order passed by the writ Court. Accordingly, the writ appeal stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

04.03.2025

NCC : Yes/No

Index : Yes/No

RR

To

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ORDER
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