



W.A.(MD)No.455 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.455 of 2021

and

C.M.P(MD)No.1857 of 2021

- 1.The District Elementary Education Officer,
O/o.District Elementary Education
Virudhunagar,
Virudhunagar District.
- 2.The Additional Elementary Educational Officer,
O/o.Additional Elementary Education,
Sattur,
Virudhunagar District.
- 3.The Assistant Elementary Educational Officer,
O/o.Assistant Elementary Education,
Sattur,
Virudhunagar District.

... Appellants /
Respondents 1 to 3

Vs.

1.B.Rani

... 1st Respondent /
Writ Petitioner

2.V.M.Maheswari,
Headmistress,



W.A.(MD)No.455 of 2021

Sattur Panchayat Union Primary School,
Perumalpatti,
Uppathur Post,
Sattur Taluk, Virudhunagar District.

3.A.Anthonysamy,
Headmaster,
Sattur Panchayat Union Primary School,
P.Lakshmiyapuram,
Kosukundu Post,
Sattur Taluk,
Virudhunagar District.

4.S.Saraswathy,
Headmistress,
Sattur Panchayat Union Primary School,
P.Lakshmiyapuram,
Kosukundu Post,
Sattur Taluk,
Virudhunagar District.

... Respondents 2 to 4 /
Respondents 4 to 6

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 25.10.2016 made in W.P(MD)No.818 of 2011 on the file of this Court and allow this Writ Appeal.

For Appellants : Mr.T.Ajmal Khan
Government Advocate

For Respondents : Mr.Mohammed Zamil
for M/s.Ajmal Associates



W.A.(MD)No.455 of 2021

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The department is on appeal challenging the order dated 25.10.2016 passed by the learned single Judge allowing W.P(MD)No.818 of 2011 filed by the first respondent herein.

2.The first respondent herein was joined as Assistant Teacher on 01.08.1985. She was implicated in a criminal case on 19.12.2004. She was also arrested. Hence, she was placed under suspension vide order dated 31.03.2005 with effect from 22.12.2004. The criminal case eventually ended in acquittal on 12.04.2007. In the meanwhile, she became eligible for promotion to the post of primary school headmaster in the year 2005. The crucial date was 01.01.2005. Since on that date, the appellant was facing criminal case, she was passed over. She was eventually included only in the year 2008 panel and granted promotion. Challenging the same, the writ petitioner filed W.P(MD)No.818 of 2011 and it was allowed by the learned Judge on 25.10.2016 in the following terms:

“13. In the result:

(a) the writ petition is allowed and the impugned order, the seniority list dated 01.01.2008 passed by the 3rd respondent is quashed;



W.A.(MD)No.455 of 2021

(b) the respondents 1 to 3 are directed to reconstruct the seniority list of the petitioner with effect from 01.01.2005 and promote her as Headmistress from the said date and to pay all attended and monetary benefits for the period the petitioner was placed under suspension;

(c) the respondents 1 to 3 shall comply the said exercise within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

3.As rightly contended by the learned Government Advocate appearing for the appellants, it was not necessary to quash the 2008 panel. On the other hand, the learned single Judge could have confined the relief to the writ petitioner alone.

4.We find considerable force in this contention. Since the writ petitioner was eventually acquitted of all charges, she ought to be placed above her immediate junior. It is stated that the writ petitioner's immediate junior was promoted as primary school headmaster on 26.07.2005. The appellant has to be placed above the said immediate junior and granted all monetary and corresponding benefits. The order of the learned single Judge is modified accordingly.



W.A.(MD)No.455 of 2021

5.This Writ Appeal stands disposed of. No costs. Consequently,

connected miscellaneous petition is closed.

[G.R.S., J.] [R.K.M, J.]
30.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA



WEB COPY



W.A.(MD)No.455 of 2021

G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

MGA

W.A(MD)No.455 of 2021

30.01.2026