

(2011) 10 MAD CK 0092

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 89 of 2009

E. Vimala

APPELLANT

Vs

The District Elementary
Educational Officer, Tirunelveli
District, Tirunelveli, The
Manager/Correspondent, TDTA
Primary/Middle Schools,
Tirunelveli Diocese, CSI Diocese
Office, Palayamkottai, Tirunelveli
and J. Serabin Ezhil Arasi R3
impleaded as per order dated
28.04.2009 made in M.P. No.
3/2009

RESPONDENT

Date of Decision: Oct. 18, 2011

Hon'ble Judges: K. Chandru, J

Bench: Single Bench

Advocate: Veera. Kathiravan, for the Appellant; M. Govindan, Special Government Pleader for 1st Respondent and Mr. S. Chellapandian for Respondents 2 and 3, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Honourable Mr. Justice K. Chandru, J.

The petitioner was appointed as Primary school Headmistress in the TDTA Primary School at Tuckerammalpuram, Palayamkottai rural range as against a retired vacancy of one A. Roopa Jebakumar. The appointment was made by one Jacob Chelliah claiming to be the manager of T.D.T.A. Primary and Middle schools under Tirunelveli Diocese, vide order dated 11.08.2008. Subsequently, it transpires on the same day that one Rev. S.E.C. Devasahayam, was the manager C.S.I Primary & Middle schools relieved the petitioner from the primary school at Mahilchipuram at Karungulam Range on 11.08.2008 and when she joined the new school as

Headmistress, the same Jacob Chellaiah forwarded the same to the District Educational Officer, Palayamkottai by a covering letter, dated 13.08.2008 asking her name to be approved.

2. In the meanwhile, a communication was sent by Rev.A. Peter Devadoss, the then manager of the T.D.T.A. Primary and Middle Schools of the Diocese of Tirunelveli on 02.01.2009 stating that the appointment of the petitioner was illegal as it was done by one Jacob Chellaiah who was relieved from the post of Manager even on 06.02.2008 by the Diocese and therefore, he could not have appointed the petitioner illegally after his end of his term. It is in the meanwhile, several teachers who were so relieved had moved this Court challenging their relieving orders and entertaining those writ petitions, interim orders were also granted. Therefore, the petitioner filed the present writ petition which was taken along with the writ petition namely W.P.(MD) No. 8854 of 2008 filed by the other teacher in the year 2008. The matter was heard by the learned single Judge and they were disposed of by a common order dated 28.05.2009 and in the common order at paragraph 178, the learned single Judge had observed as follows:

178. In the result, this Court is of the considered view that the illegality committed by the Secretaries/Correspondents/Managers in the matter of appointment/promotion/re-employment etc., in colleges and schools run by the Diocese, cannot be allowed to perpetuate and hence all the writ petitions filed by the Teachers/Lectures who have gained illegal appointments/ promotions/ order so re-employment are dismissed

3. However, in respect of the writ petitioner, it was stated that since no counter affidavit has been filed, the writ petitions may be delinked from the batch of writ petitions and this fact was also noted in paragraph Nos. 73 and 74 of the order and in paragraph 179, the said writ petition was delinked and not disposed of with the batch of writ petitions.

4. After the disposal of the writ petitions, counter affidavit has been filed by the District Elementary Educational Officer, the first respondent herein. In the counter affidavit, it is stated at paragraph 14 that the petitioner's appointment made by Rev.A. Jacob Chelliah was illegal as he was not the manager of the T.D.T.A Primary and Middle schools, Palayamkottai on 12.08.2008 and contrary to the Rules of Diocese and the manager has to be appointed only by the Bishop and hence, his appointment is illegal.

5. In the counter affidavit has been filed by the second respondent it was stated that the Rev.A Jacob Chelliah was not in office as manager of the T.D.T.A Primary and Middle schools and he cannot appoint any person beyond his tenure and an enquiry was also conducted in respect of the petitioner's appointment by a enquiry committee headed by Rev.J.J Christ Doss, G. Jeya Mary and Vigila Satyanath about the illegal functioning of the petitioner. Despite notice was given to the petitioner,

she did not appear before the enquiry committee. The enquiry committee made enquiries and recorded statement of A. Peter Devadoss, manager of the T.D.T.A schools and D. Devaraj, Office Assistant, Elisa Nesakumar Justin, Predaric Satya Samuel and Serabin Ezhilarasi and the committee found that her continuation in the school was illegal and she has not explained the circumstances under which she has been appointed as Headmistress. She was also brought to the notice that she resigned from the private school on 11.08.2008 and on the same date she was appointed as Headmistress and the same cannot be explained.

6. Learned counsel for the contesting respondent also produced a copy of the letter addressed by the person who was responsible for making such appointment and who motivated the teachers one A.Jacob Chelliah who himself wrote to the Department including to the District/Assistant/Additional Elementary Educational Officer by a common letter, dated 29.09.2008 stating that the appointment in respect of all the primary and middle school managers only vests with the Bishop and that it was regrettable on his part that he was appointed by one Chakravarthy as manager and he had also acted contrary to the Rules. Therefore, he made a declaration stating that all appointments were made by him on 11.08.2008 as not valid and also revoked the same. He also requested the Department not to consider those appointments.

7. In view of the above, the writ petitioner is not made out a case for the grant of the relief prayed for by the petitioner. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.