

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 10478-10498/2011

THE SECRETARY/CORRESPONDENT. ST. JOHNS  
COLLEGE AND ANR. ETC.

Appellant(s)

VERSUS

DR. S.WILSON AND ORS. ETC.

Respondent(s)

WITH

C.A. No. 10506-10510/2011 (XII)

C.A. No. 2353-2355/2017 (XII)

Date : 23-11-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s) Mr. V. Prabhakar, Adv.  
Mr. R. Chandrachud, AOR  
Ms. Jyoti Parasher, Adv.  
Mr. Joseph Thatheus Jerome, Adv.

For Respondent(s) Ms. Lita Srinivasan, Adv.  
Ms. D. Durga Devi, Adv.  
Mr. Seshatalpa Sai Bandaru, AOR

Mr. K.V. Vijaya Kumar, Adv.  
Mr. M. Yogesh Kanna, AOR

Mr. J.B. Ravi, Adv.  
For Mr. Balaji Srinivasan, AOR

Mr. Romy Chacko, AOR

UPON hearing the counsel the Court made the following  
O R D E RC.A. Nos. 10506-10510/2011

On 02.03.2017, this Court passed the following order:-

"In the course of hearing of this matter it has  
come out that the appointment of three persons,

namely, A.M. Shankey John, P.G. Assistant (Economics), Mr. A.Auston Jeyadoss, Physical Director and Ms. J. Ruby Sujatha, B.Ed. Tamil Pandit have been pending consideration before the Directorate of School Education. We are informed that so far as neither approval has been granted nor the same has been rejected.

In these circumstances, we direct the Competent Authority under the Directorate of School Education, Tamil Nadu to take a final decision on the approval of appointment made to the posts of A.M. Shankey John, P.G. Assistant (Economics), Mr. A. Auston Jeyadoss, Physical Director and Ms. J. Ruby Sujatha, B.Ed. Tamil Pandit, after affording an opportunity for hearing to the incumbents concerned and any other affected person and the management. We make it clear that it will be open to the parties to raise all relevant contentions before the authority including competence of the appointing authority. After hearing the parties the necessary orders shall be passed by the appropriate authority within a period of 8 weeks and the order be made available for perusal.

List after ten weeks."

The District Education Officer, Tirunelveli has passed an order on 14.06.2017. That order does not indicate anything about the approval or rejection thereof. He was required to take a decision as to whether the appointment of A.M. Shankey John as P.G. Assistant (Economics), Mr. A. Auston Jeyadoss as Physical Director made on 11.08.2008 and Ms. J. Ruby Sujatha as Tamil Pandit made on 12.08.2008 was in order or not. That has not been done.

We direct all the three aforementioned persons and the persons concerned of the Management to be present before the District Educational Officer, Tirunelveli on Monday i.e. on 27.11.2017 at 11.00 a.m

We direct the District Educational Officer, Tirunelveli to take a decision as to whether the appointments by way of promotions are liable to be approved or not. We make it clear that neither any order passed by the High Court nor any previous order passed by any Educational Officer shall stand in the way of the District Education Officer, Tirunelveli from taking a decision, as above.

We further make it clear that the order of status quo passed by this Court also shall not stand in the way of the District Education Officer, Tirunelveli passing the order on the question of approval. We are not referring to the factors required to be taken into consideration for the propose of approval, since we are told that the competence of the Appointing Authority to make the appointments, the qualification, eligibility etc. of the candidates are some of the factors which the Educational Officer has to take into consideration. We leave it all to the District Educational Officer, Tirunelveli but he/she should take a decision one way or the other in the case of the three persons referred to above and decide whether their appointments made on 11.08.2008 and 12.08.2008 are liable to be approved or not.

The order shall be passed within a week.

We direct the learned counsel for the State to make available a copy of the order thus passed to this Court on the next date of hearing.

List on 11.12.2017 at 2.00 P.M. before the same Bench.

(NARENDRA PRASAD)  
COURT MASTER

(RENU DIWAN)  
ASST. REGISTRAR