

ITEM NO.2

COURT NO.7

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No. 15702/2021

(Arising out of impugned final judgment and order dated 31-03-2021 in WAMD No. 76/2019 passed by the High Court of Judicature at Madras at Madurai)

THE SECRETARY TO GOVERNMENT & ORS.

Petitioner(s)

VERSUS

IRUTHAYA AMALI & ANR.

Respondent(s)

[TO BE TAKEN UP IN THE FIRST THREE MATTERS]
(With IA No. 126805/2021 - EXEMPTION FROM FILING O.T. and IA No. 76518/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 9887-9888/2022 (XII)
(With IA No. 73558/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 73557/2022 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 12693/2022 (XII)
(With IA No.99083/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 10-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Jaideep Gupta, Adv.
Mr. Varun K. Chopra, Adv.
Mr. D. Kumanan, AOR
Ms. Ashima, Adv.
Mr. Sheikh F. Kalia, Adv.
Mr. Amit Bhandari, Adv.

For Respondent(s)

Mr. Fr. Xavier Arulraj, Sr. Adv.
Mr. V. Balaji, Adv.

Ms. Vaidehi, Adv.
Mr. Asaithambi MSM, Adv.
Mr. C. Kannan, Adv.
Mr. Rakesh K. Sharma, AOR

Mr. S. Nagamuthu, Sr. Adv.
Mr. M.P.. Parthiban, AOR
Mr. A. S. Vairawan, Adv.
Mr. R. Sudhakaran, Adv.
Mr. Vikash G.R., Adv.
Mr. Subrahmanya Bhanu, Adv.

Mr. A. Selvin Raja, AOR
Mr. M. P. Srivignesh, Adv.
Mr. Mithun Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) No. 15702/2021
SLP(C) No. 12693/2022

Fr. Xavier Arulraj, learned senior counsel appearing on behalf of the respondent, would point out that this Court has stayed the direction No. 95(i) in the impugned judgment. He would point out the grievance to be as follows:

There are excess teachers working in schools who can be deployed in the schools coming under the same management. It is his case that the excess teachers working are receiving full salary from the Government. There are schools under the same management where going by the students strength, there can be no objection in teachers working as excess teachers being deployed. This will be in the interest of the students and even the state's interest will not be jeopardised.

Another issue relates to the clubbing of the English medium with the Tamil medium for the purpose of staff

fixation.

Shri Nagamuthu, learned senior counsel for the respondent in another case viz., SLP(C) No. 12693/2022, would point out that by virtue of the operation of the stay order passed by this Court, prejudice is caused to his clients. It is for the reason that though there were sanctioned posts and appointment have been made to those sanctioned posts, approval is not given which cannot be justified. Vacancies in the sanctioned posts have arisen out of retirement of teachers.

Dr. Singhvi, learned senior counsel for the petitioner-State of Tamil Nadu, seeks time to make pointed submission with reference to the complaints.

List the matters on 24th August, 2022, as second case.

SLP(C) No. 9887-9888/2022

De-tagged.

Permission is granted to file counter affidavit.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
ASSISTANT REGISTRAR