

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/8/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.A. No.988 of 2015

N.Thenmalar

...

Petitioner

Vs

1. The State of Tamil Nadu
rep. By its Secretary
Education Department
Fort St. George
Chennai 600 009
2. The Joint Director of School Education
College Road
Chennai 600 006.
3. The District Educational officer
Dharmapuri District.
4. The Head Master
Government Girls Higher Secondary School
Danish Mission Middle School
Adhiyaman Kottai
Dharmapuri District.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 2/7/2015 in M.P.No.2 of 2015 in W.P.No.19425 of 2015. M.P.2/15 petition is prayed that this Hon'ble court may be pleased to pass an order of interim stay of the proceedings of the 2nd respondent in Na.Ka.No.107232/C2/E1/2013 dated 25.06.2015, pending finalization of the writ petition and thus render justice.

W.P.19425/15: filed under Art.226 of constitution of India prayed that this Hon'ble Court may be pleased to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other appropriate writ or order or direction in the nature of writ calling for the records proceedings of the 2nd respondent in Na.Ka. No.107232/C2/ E1/2013 dated 25.6.2015 and quash the same and direct the respondent to retain the petitioner in the Post of B.T. Assistant (Science) and consequently approve the appointment of the petitioner with effect from 26.3.2003 and to

extend all benefits both service and monetary thereto and to pass such other further.

For appellant : Mr.S.Silambanan
Senior Counsel
for Mr.K.T.S.Sivakumar

For respondents : Mr.K.Karthikeyan for R1 to 3.
Government Advocate (Education)

J U D G M E N T

(Judgment of the Court was made by SATISH K. AGNIHOTRI,J.)

Mr.K.Karthikeyan, learned Government Advocate (Education) takes notice on behalf of the respondents. With the consent of the learned counsel for the parties, the writ appeal is taken up for final disposal.

2. Assailing the legality and validity of the order dated 2nd July, 2015 passed in M.P.No.2 of 2015 in W.P.No.19425 of 2015, whereby, the application of the appellant/petitioner for grant of interim stay was dismissed, the appellant has come up with this appeal.

3. According to the learned counsel for the appellant, the appellant possess the requisite qualification and if the order of reversal is given effect to, she would suffer irreparable loss of reputation and other monetary benefits.

4. Be that as it may, at this stage, if we consider and decide the issue of requisite qualification that may conclude the entire writ petition and as such, it is apposite to request the learned single Judge to expedite the hearing of the main writ petition at the earliest.

5. The learned State counsel has no objection, if the writ petition is heard at an early date. He would further submit that within a period of two weeks, the respondents shall file a counter affidavit.

6. Accordingly, we direct the Registry to list the matter in the first week of September, 2015, before the learned Single Judge having port-folio.

7. The Writ Appeal is disposed of accordingly. No costs.
Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mvs.

To

1. The Secretary
State of Tamil Nadu
Education Department
Fort St. George
Chennai 600 009
2. The Joint Director of School Education
College Road
Chennai 600 006.
3. The District Educational officer
Dharmapuri District.
4. The Head Master
Government Girls Higher Secondary School
Danish Mission Middle School
Adhiyaman Kottai
Dharmapuri District.

Copy to:

The Section Officer,
Writ Section, High Court, Madras.

+1 cc to Mr.K.T.S.Sivakumar, Advocate, sr.40995

+1 cc to The Government Pleader, sr.41253

kji(co)
kra(25/08)

W.A.988 of 2015