

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.34716 of 2015

R.Jayapal

... Petitioner

Versus

1. The Secretary to Government
State of Tamil Nadu
Education Department
Secretariat, Chennai-9.
2. The Director of Elementary Education,
College Road, Chennai-6.
3. The District Elementary Educational Officer
Ariyalur, Ariyalur District.
4. The Assistant Elementary Educational Officer
Senthurai Union, Ariyalur District.
5. The Secretary
Gandhi Kala Nilayam Aided Middled School
Veerakkan, Sendurai Union,
Ariyalur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the entire records connected with the impugned proceedings passed by the 3rd respondent vide Na.Ka.No.1955/A4/2014 dated 17.11.2014 and quash the same and direct the respondents to approve the appointment of the petitioner with effect from 25.02.1999 as Secondary Grade Teacher with all consequential benefits.

For Petitioner : Mr.S.N.Ravichandran
For Respondents : Mr.V.Subbiah,
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2. The grievance expressed by the petitioner, who at present working as a Secondary Grade Teacher in the services of the 5th respondent, is that in spite of the positive recommendation made by the 4th respondent, the 3rd respondent, vide proceedings in Na.Ka.No.1955/A4/2014 dated 17.11.2014, by referring to the communication of the 4th respondent in Na.Ka.No.832/A4/2014 dated 24.07.2014, returned the said proposal on the ground of pendency of the writ appeal preferred against WP.No.29164/2010.

3. Learned counsel for the petitioner would submit that the writ appeal preferred against the order made in WP.No.29164/2010 was dismissed at the condone delay stage itself and hence, there is no impediment to implement the above said orders and also in the light of the above said positive recommendation made by the 4th respondent.

4. This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

5. This Court, in the light of the above facts and circumstances, the impugned proceedings in Na.Ka.No.1955/A3/2014 dated 17.11.2014 passed by the 3rd respondent is set aside and the matter is, once again remanded back to the 3rd respondent for fresh consideration, in the light of the order passed in the writ petition as well as the recommendation of the 4th respondent dated 24.07.2014. The 3rd respondent is directed to complete the above said exercise and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the

decision taken, to the petitioner.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to Government
State of Tamil Nadu, Education Department
Secretariat, Chennai-9.
2. The Director of Elementary Education,
College Road, Chennai-6.
3. The District Elementary Educational Officer
Ariyalur, Ariyalur District.
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Senthurai Union, Ariyalur District.
5. The Secretary
Gandhi Kala Nilayam Aided Middled School
Veerakkan, Sendurai Union,
Ariyalur District.

+1cc to the Government Pleader, S.R.No.60041

WP.No.34716 of 2015

CS V
CA(19/11/2015)

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