



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE V.S.RAVI

W.A. (MD) .No.1450 of 2014

and

M.P. (MD) .No.2 of 2014

- 1.The State of Tamil Nadu,
rep.by its Secretary,
Department of School Education,
Fort St.Geroge,
Chennai-600 009.
 - 2.The Director of Elementary Education,
College Road, Chennai-600 006.
 - 3.The District Elementary Educational Officer,
Dindigul District.
 - 4.The Assistant Elementary Educational Officer,
Kodaikanal Union,
Dindigul District.
- ... Appellants / Respondents

Vs

K.Palanichamy ... Respondent/Writ Petitioner

Writ Appeal filed under clause 15 of Letters Patent against the order made in W.P.(MD).No.2772 of 2014, dated 20.02.2014.

Prayer in WP(MD). 2772/ 2014: This Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents herein to confer selection grade to the petitioner on 4.2.1985 and Special Grade on 4.2.1995 and fix the revised pay by taking into consideration the services of the petitioner in the lower cadre prior to 1.8.1988 as per G.O.Ms.NO.234 School Education (G2) Department dated 10.09.2009, G.O.Ms.No.216 School Education (G2) Department dated 30.12.2011 and the order dated 18.07.2012 made in WP No.18418 of 2012 on the file of the Principal Seat of this Hon'ble Court.

**JUDGMENT****[Judgment of the Court was delivered by S.TAMILVANAN,J]**

This Writ Appeal has been preferred challenging the order dated 20.02.2014 passed in W.P.(MD).No.2772 of 2011 whereby the learned Single Judge disposed of the Writ Petition directing the first respondent to consider the representation of the Writ petitioner and pass appropriate orders within a period of eight weeks from the date of receipt of the copy of the order.

2. Mr.VR.Shanmuganathan, learned Special Government Pleader submitted that the direction given by the learned Single Judge to consider the representation of the petitioner dated 16.01.2014 is not sustainable both in law and on facts.

3. Having gone through the impugned order and the grounds raised, we are of the considered view that the impugned order would not create any legal grievance to the appellants since the direction given by the impugned order is only to consider the representation of the Writ Petitioner. This Court cannot direct the authority again to re-consider the matter without setting aside the order passed by the first respondent. Therefore, we are of the considered view that there is no legal grievance in view of the impugned order passed by the Writ Court. Accordingly, the Writ Appeal is liable to be dismissed.

4. In the result, the Writ Appeal is dismissed. However, having considered the submissions of the learned Special Government Pleader, eight weeks time is granted from the date of this order for considering the claim of the petitioner and passing appropriate orders. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary, Department of School Education,
Fort St.Geroge, Chennai-600 009.
 - 2.The Director of Elementary Education, College Road, Chennai-6.
 - 3.The District Elementary Educational Officer,Dindigul District.
 - 4.The Assistant Elementary Educational Officer,
Kodaikanal Union, Dindigul District.
- +1cc to Special Government Pleader, in SR No.195.

W.A.(MD).No.1450 of 2014
05.01.2015