

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

W.A.Nos.621 to 624 of 2009

1.I.Rajesh
2.S.Rajeswari
3.A.Maheswari

... Appellants
in all appeals

Vs.

P.Sasikala

... Respondent No.1
in W.A.621/2009

S.Sivakumar

... Respondent No.1
in W.A.622/2009

S.Sankar Ganesh

... Respondent No.1
in W.A.623/2009

V.Prakash

... Respondent No.1
in W.A.624/2009

The Director of Elementary Education,
DPI Complex,
College Road, Chennai-6.

The District Elementary Education Officer,
Virudhunagar.

The Additional Assistant Elementary Educational Officer,
Srivilliputhur,
Virudhunagar District.

.. Respondent Nos. 2
4 in all appeals

Appeals filed under Clause 15 of Letters Patent against the
order dated 07.11.2008 in W.P.Nos.22404, 22406, 22408 & 22409 of
2007 on the file of this Court.

Writ Petition praying to writ of certiorarified mandamus to
call for the records in pursuance to the impugned order passed
by the First Respondent in Na.Ka.No.16170/D3/2007 dt. 11.06.2007
and to quash the same and consequently forbear the Respondents
from altering the seniority of the Petitioner in the cadre of
Secondary Grade teacher in the Srivilliputhur Panchayat Union as

on 01.01.2006 in pursuant to the impugned order passed by the 1st Respondent in Na.Ka.No.16170/D3/2007 dt.11.06.2007.

For Appellants .. Mr.R.Venkatesalu
for

M/s.G.R.Swaminathan

For Respondents .. Mr.T.N.Rajagopalan

Spl. G.P. for R2 to R4 in all appeals

R1 - No Appearance

* * * * *

COMMON JUDGMENT

(Judgment of the Court was made by The Hon'ble Chief Justice)

The appellants before us are not parties in the writ proceedings, when a batch of writ petitions were decided on 07.11.2008, but have sought leave to file the appeals.

2. The impugned order only records what has been said by the learned Single Judge while disposing of W.P.No.22326 of 2007, decided on 10.04.2008 (P.Karpagam v. The Director of Elementary Education, Chennai-6 and two others) and passed direction in the impugned order solely based on that order.

3. It is not disputed that the two cases are similar. The only plea is that even W.P.No.22326 of 2007 is not correctly decided.

4. The party in those proceedings is not a party before us. Till the law holds good as set out in W.P.No.22326 of 2007, which has become final, no fault could be found with the impugned order and that order has not been assailed by any of the parties, nor by anyone including the appellants claiming leave to file the appeals against that order.

5. We may also note that in the case of two of the appellants in the present appeals (S.Rajeswari & A.Maheswari), they have given undertakings to withdraw the appeals prior to their promotion. The fact is that all three appellants now stand promoted.

6. For all the aforesaid reasons, we are not inclined to interfere with the impugned order of the learned Single Judge in the present proceedings filed by the appellants. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1.The Director of Elementary Education,
DPI Complex, College Road, Chennai-6.

2.The District Elementary Education Officer,
Virudhunagar.

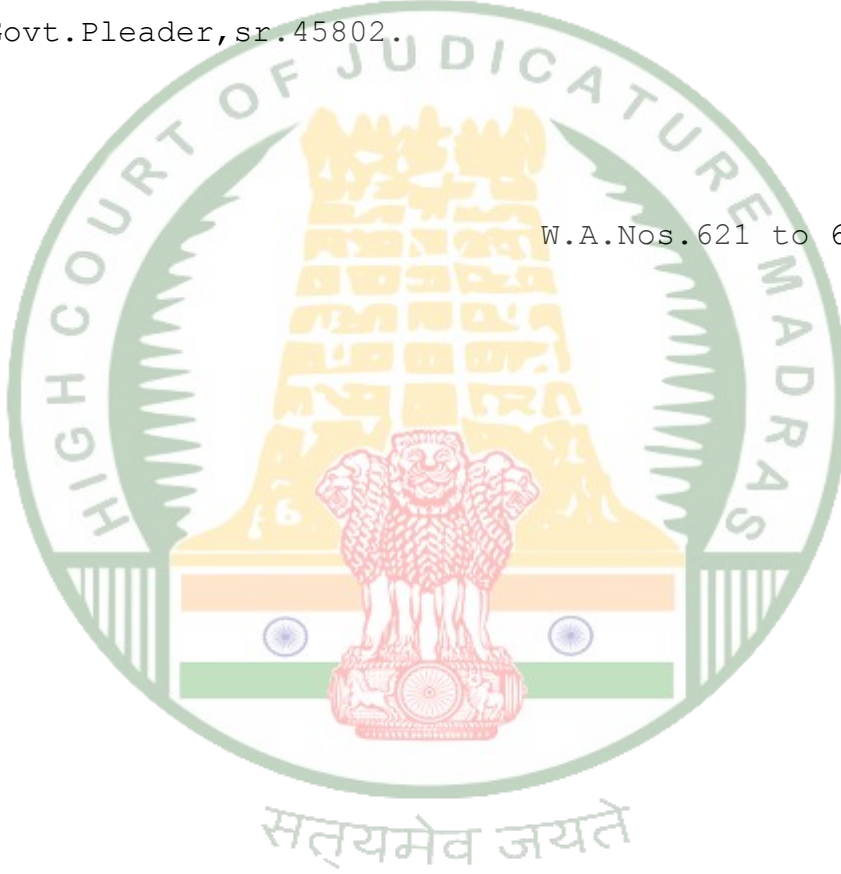
3.The Additional Assistant Elementary Educational Officer,
Srivilliputhur, Virudhunagar District.

+1 cc to M/s.Usha Raman, advocate,sr.46388

+1 cc to Govt.Pleader,sr.45802.

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W.A.Nos.621 to 624 of 2009



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