



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1077 of 2016

and

C.M.P (MD) No.6502 of 2016

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Fort St., George,
Chennai 600 009.
 - 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 009.
 - 3.The District Elementary Educational Officer,
Dindigul, Dindigul District.
 - 4.The Assistant Elementary Educational Officer,
Rediyarchatram Union,
Dindigul District.
- ... Appellants/Respondents
- Vs.
- J.Amuthan
- ... Respondent/Writ Petitioner

Appeal filed under Clause 15 of the Letters Patent against the Order dated 06.12.2013 made in W.P.(MD).No.19798 of 2013 on the file of this Court.

Prayer in WP(MD)No.19798/2013:- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 2dn respondent to forward the proposal to the 1st respondent for regularization of petitioner service as Junior Assistant w.e.f.21.11.1990 and consequently to direct the 1st respondent to regularize his service and declare probation so as to enable him to get promotion and other benefits by considering his representation dated 22.6.2013 within the period that may be stipulated by this Court.

For Appellants

: Mr.V.R.Shanmuganathan,
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by NOOTY.RAMAMOHANA RAO, J)

This appeal is preferred against an order passed by the learned single Judge on 06.12.2013 in the writ petition instituted by the respondent.

2.In fact, the learned single Judge has not dealt with the matter on merits. He merely directed the respondents in the writ petition, the appellants herein to deal with the representation said to have been made by the writ petitioner and kept pending ever since 22.06.2013 and pass appropriate orders in accordance with law within six weeks from the date of receipt of a copy of the said order.

3.We fail to understand as to how the respondents in the writ petition, the appellants herein can be considered as aggrieved parties by any such direction. If a representation is submitted by the writ petitioner as alleged by him the same is bound to be answered in one way or the other. If there is no representation made, all that the respondents are required to communicate the writ petitioner was that since there was no such representation made by the writ petitioner and said to be pending with them, no further orders can be passed for a non existing representation. Therefore, we see no reason to entertain the writ appeal and accordingly, it is dismissed at the admission stage. No costs. Consequently, C.M.P(MD)No.6502 of 2016 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
State of Tamil Nadu, School Education Department,
Fort St., George, Chennai 600 009.
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- 4.The Assistant Elementary Educational Officer,
Rediyarchatram Union, Dindigul District.

+One cc to The Special Government Pleader, SR.No.34666

sms

RL/6C/2P/DB/15/7/2016

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and

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