



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A.(MD)No.669 of 2016 and CMP(MD)No.4313 of 2016

1.The State of Tamil Nadu,
Rep. by its Secretary,
School Education (C2) Department,
Secretariat, Chennai.

2.The Chairman (School Education),
Teachers Recruitment Board,
4th Floor, EVK Sampath Road,
College Road, Chennai -6.

.. Appellants

Vs.

1.M.Vinoth

2.The Registrar,
Bharathiyar University,
Coimbatore - 641 046.
(3rd appellant herein transposed as
2nd respondent vide order dated
13.04.2016 made in M.P.(MD)No.
1 of 2013 in W.A.(MD)SR.No.
29759 of 2013)

.. Respondents

PRAYER: Writ Appeal is filed under Clause XV of Letters of Patent, against the common order dated 21.01.2013 made in W.P.(MD)No.16002 of 2012.

Prayer in WP(MD)No.16002/2012 :

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent in his proceedings No.Nil dated Nil and quash the same as illegal and consequentially to direct the 2nd respondent to consider the petitioner for appointment to the post of B.T Assistant (English) taking into account of the Degree obtained by the petitioner viz., B.A(English with Computer Application) as equivalent to B.A (English), in the light of the G.O Ms. No. 133, School Education (M2) Department dated 04.06.2012.

For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For R1 : Mr.Mr.Mohamed Rafi
for
M/s.Ajmal Associates

JUDGMENT

(Judgment of this Court was delivered by S.MANIKUMAR, J.)

Vide order, in W.P.(MD)No.16002 of 2012, dated 21.01.2013, the writ Court, at paragraph No.5, has ordered as follows:-

"5.In G.O.Ms.No.133, School Education, dated 04.06.2012, the Government has accepted the B.A. English with Computer Application offered by the Periyar University as equivalent to B.A.English. The petitioner has studied in Bharathiyar University. Therefore, the case of the petitioner also has to be examined on the same lines. Hence, the writ petition is disposed of with a direction to the Teachers Recruitment Board to consider first whether what is applicable to Periyar University also applies to Bharathiyar University. If it applies, the petitioner shall be considered for appointment. If the Teachers Recruitment Board has any doubt, the Board shall refer the matter to the Government and one Government shall constitute an equivalent Committee and take decision, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed."

Being aggrieved by the same, the Secretary to the Government, School Education Department, Chennai and another have filed the instant appeal.

2.On this day, when the matter came up for hearing, when the attention of the learned Special Government Pleader was invited to the memorandum of grounds, filed challenging the impugned order, he fairly submitted that the grounds do not relate to the challenge.

3.Added further, Mr.Mohamed Raffi, learned counsel appearing for the first respondent submitted that pursuant to the directions issued in W.P.(MD)No.16002 of 2012, dated 21.01.2013, the first respondent has been appointed as B.T. Assistant on 12.11.2013 and thus, the order impugned has been complied with.

4.In the light of the subsequent developments, Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants seeks permission of this Court to withdraw the writ appeal. He has also made an endorsement to that effect.

5.In view of the endorsement made by the learned Special Government Pleader appearing for the appellants, the writ appeal is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.



To

1. The Secretary,
School Education (C2) Department,
Secretariat, Chennai.

2. The Chairman (School Education),
Teachers Recruitment Board,
4th Floor, EVK Sampath Road,
College Road, Chennai -6.

3 The Registrar,
Bharathiyar University,
Coimbatore - 641 046.

+1cc to Special Government Pleader in SR.No.22066

+1cc to M/S.Ajmal Associates, Advocate in SR.No.21736

W.A. (MD) No.669 of 2016
18.04.2016

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