



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

W.A. (MD) No. 123 of 2013

and

M.P. (MD) No. 2 of 2013

in

WP (MD) No. 13776 of 2009

1. The State of Tamil Nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009.

2. The Director of School Education,
College Road,
Chennai - 600 009.

3. The Chief Educational Officer,
Tuticorin,
Tuticorin District.

4. The District Educational Officer,
Kovilpatti,
Tuticorin District.

...Appellants/Petitioner

Vs.

The Secretary,
Everest Mariyappa Nadar,
Higher Secondary School,
Jothi Nagar,
Kovilpatti,
Tuticorin District.

...Respondent/Petitioner

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P. (MD) No. 13776 of 2009, dated 26.03.2012.

Prayer in WP (MD). 13776/ 2009 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of



Mandamus or any other appropriate Writ, Order or Direction in the nature of writ directing the 4th respondent District Educational Officer to approve forthwith the appointment of B. Marikkan as Junior Assistant in the petitioner-school from the date of his appointment viz., 21.08.2009 and disburse the grant-in-aid towards his salary and allowances.

For Petitioners : Mr.D.Muruganandam
Addl.Govt.Pleader

For Respondent : Mr.Cibi Chakraborty
for Mr.S.Xavier Rajini

JUDGMENT

(Judgment of this Court was made by M.SATHYANARAYANAN, J.)

By consent the Writ Appeal is taken up for final disposal.

2. The petitioner on an earlier occasion challenging the legality of the order, dated 25.05.2006, in and by which, the request to fill up the vacant post of Junior Assistant came to be rejected had filed a Writ Petition in W.P.(MD)No.2218 of 2009 and it was allowed on 01.04.2009 and challenging the legality of the said order, the official respondents filed W.A.(MD)No.391 of 2010 and it was dismissed on 27.09.2010 by observing that the order passed in the Writ Petition was by consent and therefore, the Writ Appeal is not maintainable.

3. Thereafter, the first respondent herein has passed G.O.Ms.(4D)No.9, dated 06.03.2012, approving the appointment of Junior Assistant from the date of the said Government Order and once again, challenge has been made by filing W.P.(MD)No.13776 of 2009 and vide order, dated 26.03.2012, this Court has disposed of the Writ Petition by directing the respondents to approve the appointment of the concerned person viz., B.Mariappan, as Junior Assistant, in the School from the date of his appointment. Since the said order has not been complied with, the School had filed Cont P.No.989 of 2012 and the learned Government Advocate took notice for reporting compliance.

4. The learned counsel appearing for the respondent would submit that subsequently, in compliance of the order, dated 26.03.2012 made in W.P.(MD)No.13776 of 2009, approval has been accorded from the date of appointment i.e., on 21.08.2009 and in the light of the said development, nothing survives for adjudication in this Writ Appeal.



5. This Court heard the submission of Mr.D.Muruganandam, the learned Additional Government Pleader appearing for the appellants and Mr.S.Xavier Rajini, the learned counsel appearing for the respondent.

6. In the light of passing of G.O.Ms(4D)No.9, dated 06.03.2012, which is taken on file, nothing survives for adjudication in this Writ Appeal and therefore, the Writ Appeal is closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

1. The Secretary
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai - 600 009.

3.The Chief Educational Officer,
Tuticorin, Tuticorin District.

4.The District Educational Officer,
Kovilpatti, Tuticorin District.

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate, SR No.52965

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.52840

**W.A. (MD)No.123 of 2013 and
M.P. (MD)No.2 of 2013 in
WP (MD)No.13776 of 2009
15.09.2016**

MPK

SH/GSV-PM:27.09.2016:3P/7C