

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Appeal No.722 of 2017
and
C.M.P.No.9992 of 2017

N.Baby Uma

... Appellant

Vs.

1. Director of School Education,
College Road, Chennai-6.
2. Chief Education Officer,
Chennai-15.
3. District Education Officer,
Chennai (Central), Chennai-15.
4. Secretary,
Kumararajah Muthiah Higher Secondary School,
No.4, Crescent Avenue Road,
Gandhi Nagar, Adyar, Chennai-600 020.
5. A.Kannathasan, Tamil Pandit,
Kumararajah Muthiah Higher Secondary School,
No.4, Crescent Avenue Road,
Gandhi Nagar, Adyar, Chennai-600 020.
6. A.Kalyani, Tamil Pandit,
Kumararajah Muthiah Higher Secondary School,
No.4, Crescent Avenue Road,
Adyar, Chennai-600 020.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.01.2010 passed by the learned single Judge of this Court, in W.P.23180 of 2009.

W.P.23180 of 2009 : Praying to issue a Wri of Certiorarified Mandamus, to call for the records of the 2nd respondent herein in Mu.Mu.No.703/B6/09 dated 5.2.2009 and quash the same and direct the respondents 1 to 4 herein to consider the name of the

petitioner herein for promotion to the post of Tamil Pandit in the Vacancies that arose on 31.5.2008 with due seniority and arrears of pay in the scale eligible for Tamil Pandit w.e.f. 1.11.2008.

For Appellant : Mr.V.R.Rajasekaran

For Respondents : Mrs.A.Srijayanthi,
Special Government Pleader
for RR-1 to 3

JUDGMENT

(The Judgment of the Court was delivered by Huvuvadi G.Ramesh,J)

Though there is a delay of 320 days in filing the Writ Appeal, which has been brought to the notice of this Court at the stage of considering and allowing the petition seeking to condone the delay in filing re-presentation on condition of payment of costs of Rs.1,000/- to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, today in C.M.P.No.9159 of 2017, in view of the decision we are inclined to take in this writ appeal, we feel that no notice is necessary to the contesting parties and we accordingly also allow the petition in C.M.P.No.9992 of 2017 seeking to condone the delay in filing the writ appeal and dispose of the Writ Appeal itself on merits by this judgment.

2. Heard the learned counsel for the appellant and Mrs.A.Srijayanthi, learned Special Government Pleader takes notice on behalf of the official respondents.

3. From the arguments advanced by the learned counsel for the appellant and also from the grounds of appeal, it is clear that the appellant ought to have been promoted way back on 01.11.2008 itself, but for one reason or the other, it has been deferred. It is seen that the learned single Judge has passed orders only in favour of the appellant and in furtherance thereof, it is stated by the learned counsel that the appellant has also filed Contempt Petition, which is stated to be pending before this Court.

4. The grievance of the appellant/writ petitioner is that he ought to have been promoted at the earliest as ordered by the learned single Judge, but there appears to be some delay and his seniority is getting lapsed. It appears that the writ petitioner has got some doubt with regard to the overlooking seniority, lapse of time, etc. Apart from this, as stated earlier, the Contempt Petition has also been filed, which is pending before this Court.

5. This Court is of the view that the appellant/writ petitioner can only seek implementation of the impugned order of the learned single Judge in full spirit, by filing appropriate application seeking necessary clarification in implementation of the order of the learned single Judge or it is for the appellant to ventilate her grievances in the Contempt proceedings.

6. Hence, the Writ Appeal is disposed of, with liberty to the appellant/writ petitioner either to seek clarification from the learned single Judge or work out her remedy in the Contempt proceedings.

7. With the above observation, the Writ Appeal is disposed of in limine. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cs

To

1. The Director of School Education,
College Road, Chennai-6.
2. The Chief Education Officer,
Chennai-15.
3. The District Education Officer,
Chennai (Central), Chennai-15.

+1cc to Mr.V.R.Rajasekaran, Advocate, S.R.No.45023

NRI (CO)
CA(06/07/2017)

W.A.No.722 of 2017

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