

In the High Court of Judicature at Madras

Dated : 29.06.2017

Coram :

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.40610 of 2002
to
40612 of 2002

- 1.T.Christinal ...Petitioner in
W.P.No.40610 of 2002
2. P.Hepzibai Angeline Thamayanthi ...Petitioner in
W.P.No.40611 of 2002
- 3.J.Esther Muthamilselvi ...Petitioner in
W.P.No.40612 of 2002

Vs

1. The District Elementary Educational Officer,
Tiruvallur.
2. The Assistant Elementary Educational Officer,
Poonamallee.
3. The Correspondent,
T.B.M.Middle School,
Poonamallee,
Chennai - 56. ...Respondents in all three
writ petitions

Petition filed under Article 226 of the Constitution of India praying for issuance of an order or writ or direction more specifically Writ of Certiorarified Mandamus calling for the records relating to the order of the first respondent dated 04.10.2002 issued in the Ref.No. Na.Ka.No.5288/a3/95 and quash the same and further direct the Respondents I and II to approve the appointment of the respective petitioner in the III Respondent school with effect from 01.09.1992, 04.08.1993 and 04.06.1993 respectively and to award the consequential benefits.

For Petitioners : Mr.R.Muthukannu
For Respondents (R1& R2) : Mr.A.Zakkir Hussain,
Government Advocate.
For Respondent (R3) : Mrs.P.Vedavalli

ORDER

All these writ petitions are filed challenging the order dated 04.10.2002 issued by the District Elementary Educational Officer, Tiruvallur, rejecting the grant of approval to the writ petitioners from the date of appointment on the ground that the required student strength, at that point of time, was not prevailing in the school, when the writ petitioners were appointed. In other words, the requirement contemplated by the Government in G.O.Ms. 525 Education department dated 29.12.1997 had not been complied while appointing the writ petitioners in the 3rd respondent school by the management. Therefore, the first respondent had not approved the appointment of the writ petitioners.

2. The learned counsel for the writ petitioners fairly contended that he was unable to secure necessary instruction from the writ petitioners and therefore the present status and the grievances, as on today, is unable to be presented before this Court.

3. However, learned Government Advocate appearing on behalf of the respondents 1 and 2 has taken this Court to the contention raised in the common counter affidavit filed by the first respondent on 27.01.2009. Para 9 of the counter is extracted hereunder:

9. I submit further that the writ petitioners are not entitled to the prayer as prayed for mainly on the following grounds:

1. The appointment of the writ petitioners was made by the third respondent school against the norms prescribed in G.O.M.S.No.525 Education Department dated 29.12.1997.
2. when the matter came up before this Hon'ble High Court, this Hon'ble High Court passed an order that they should be accommodated for the time being till the appointments were made on regular basis and during that period they should be paid salary from the school grant for which the petitioners agreed.

3. Further the petitioners gave in writing individually on 14.01.2004 to the first respondent requesting him to appoint them as per order of this Hon'ble Court. Therefore, the petitioners cannot ask for the approval of their original appointment of the 3rd respondent school.

The learned Government Advocate, further, produced the letters given by the writ petitioners on 08.05.2003, wherein the writ petitioners have categorically pleaded that they may be permitted to join duty in accordance with the judgment of the Hon'ble High Court. Pursuant to the letter given by all the writ petitioners, respondents 1 and 2 have taken action and therefore, the initial grounds raised in the writ petitions cannot be considered. It is further contended that though the writ petitioners have filed these writ petitions for a relief to consider the approval of their respective appointments from the individual date of appointment, subsequently, they have given individual letters on 08.09.2003 confining their reliefs and those representations also were considered by the authorities. Such being the factum of this case, no further adjudication, on the grounds raised in these writ petitions needs to be done. It is left open to the writ petitioner to redress their grievances, if any, still persist.

In view of this, all the writ petitions stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sli/jer

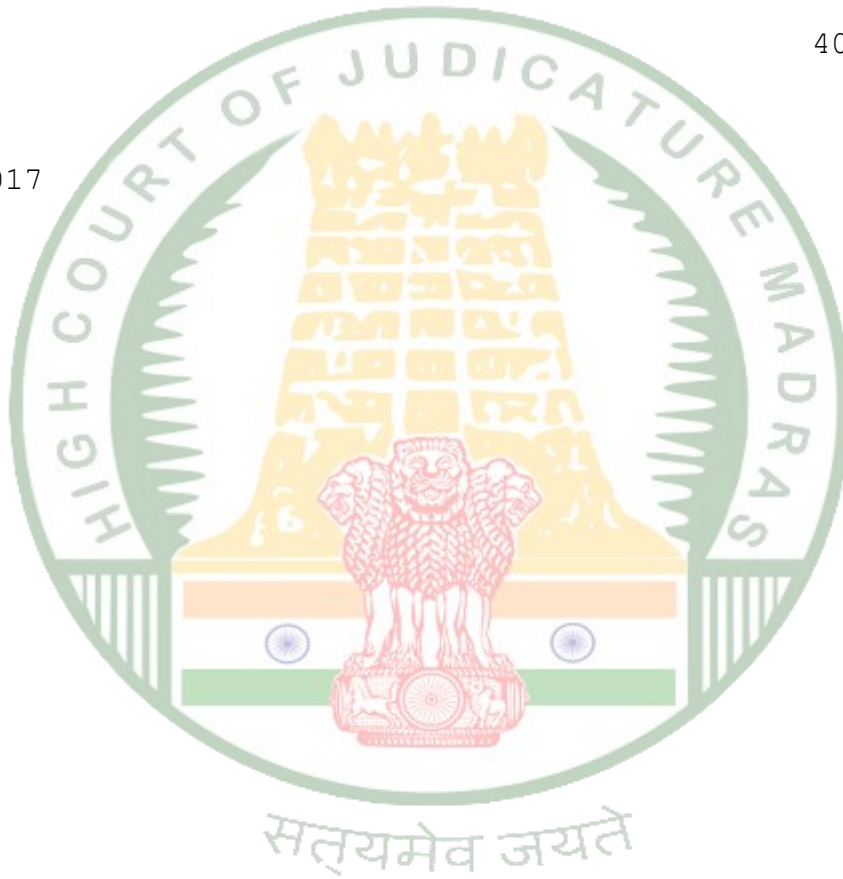
To

1. The District Elementary Educational Officer,
Tiruvallur.
2. The Assistant Elementary Educational Officer,
Poonamallee.

+1 cc to the Government Pleader sr 45961
+1 cc to M/s.R.Muthukannu Advocate sr 45813

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rj (co)
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