



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.(MD)No.1192 of 2014 and
M.P.(MD)Nos.1 & 2 of 2014

Thanga Rani

... Appellant

Vs.

1. The District Educational Officer,
Thuckalay Educational District,
Kanyakumari District.

2. The Head Master,
Government Higher Secondary School,
Thuckalay, Kanyakumari District.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order passed in W.P.(MD)No.10212 of 2014, dated 26.06.2014 on the file of this Court and allow this Writ Appeal.

Prayer in WP(MD). 10212/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the relieving order dated 31.05.2014 issued by the second respondent, quash the same and consequently directing the second respondent to permit the petitioner to serve in her position till the disposal of the Second Appeal NO. 731 of 2011 on the file of this Honourable Court and to pass such further or other orders.

For Appellant : Mr. S.Ezhavarasi
For Respondents : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

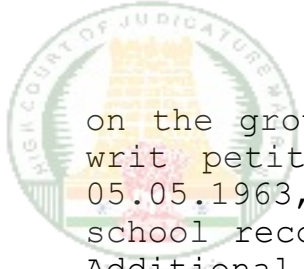
JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN,J.]

The unsuccessful writ petitioner is on appeal, challenging the order dated 26.06.2014 made in W.P.(MD)No.10212 of 2014. The writ petitioner was appointed as a Junior Assistant in the second respondent school on 09.07.2003 on consolidate pay.

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

2.The writ petitioner was relived from service on 31.05.2014,



on the ground that she had reached the age of superannuation. The writ petitioner would contend that her actual date of birth is 05.05.1963, but it was wrongly entered as 05.05.1956 in all the school records. She therefore filed O.S.No.4 of 2006 on the file of Additional District Munsif Court, Padmanabhapuram for declaring her correct age. The suit was dismissed. Her first Appeal was also dismissed. Hence she filed S.A.No.731 of 2011 before this Court and it is still pending.

3.It is the case of the writ petitioner that on account of the pendency of the second appeal, she should not be relieved from her service. She therefore filed the said writ petition, challenging the relieving order dated 31.05.2014. The same was dismissed by the learned Judge on 26.06.2014. Hence this intra Court appeal.

4.Inasmuch as, there is no binding order or decree in favour of the appellant herein as regards her correct age, the authorities will have to go by what is on record. Even according to the appellant, her civil proceedings ended in dismissal. What is pending is only the second appeal before this Court. Even in the second appeal, there is no interim order in favour of the appellant herein. Therefore, the authorities were absolutely justified in relieving her.

5.There is no merit in the Writ Appeal. This Writ Appeal stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

1. The District Educational Officer,
Thuckalay Educational District,
Kanyakumari District.
2. The Head Master,
Government Higher Secondary School,
Thuckalay, Kanyakumari District.

+ 1 CC TO Mr.C.T.PERUMAL, ADVOCATE IN SR No. 70897
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 71348

RMI/GNS

TE/GT/SAR-I : 09/11/2017 : 2P/5C

JUDGMENT MADE IN
W.A. (MD) No.1192 of 2014 and
M.P. (MD) Nos.1 & 2 of 2014
04.08.2017