



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.120 of 2015 &
M.P. (MD) .No.1 of 2015

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

2.The Director of School Education,
College road,
Nungambakkam,
Chennai-600 006.

3.The Joint Director of School Education,
Higher Education,
College Road,
Nungambakkam,
Chennai-600 006.

4.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

5.The District Educational Officer,
Nagercoil,
Kanyakumari District.

...Appellants/Respondents

Vs.

1.S.Sundar

... 1st Respondent/Petitioner

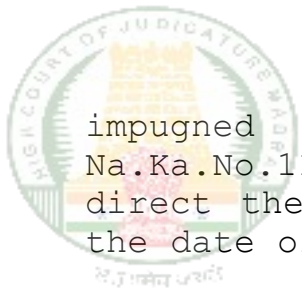
2.The Corporate Manager,
C.S.I.Diocese,
Nagercoil,
Kanyakumari District.

...2nd Respondent/ 6th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order dated 21.02.2014 in W.P. (MD).No.2853 of 2010.

Prayer in WP(MD). 2853/ 2010 :

<https://hcservices.ecourts.gov.in/hcservices/> 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 pertaining to the



impugned order passed by the 3rd Respondent in Na.Ka.No.116635/V1/E3/09, dated 07-01-2010, quash the same, and direct the 3rd Respondent to approve the petitioner service from the date of his appointment ie., 23-03-1998.

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For Appellants : Mr.V.Muruganantham
Additional Government Pleader

For Respondents : Mr.M.R.Srinivasan for R1 for
Mr.R.Nandha kumar

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]

Heard Mr.V.Muruganantham, learned Additional Government Pleader, for the appellants and Mr.M.R.Srinivasan learned counsel for the first respondent.

2. This appeal is directed against the order dated 21.02.2014 in W.P.(MD).No.2853 of 2010. The first respondent/writ petitioner challenged the order dated 07.01.2010 passed by the third appellant and for consequential direction to approve the writ petitioner's appointment from 23.03.1998. By the order impugned in the writ petition, the writ petitioner's appointment was approved with effect from 09.02.2007.

3. The writ petitioner's case is that he was appointed against a sanctioned post in a vacancy which was caused on account of retirement of one Kamalanathan Selvin, who was appointed as Commercial Instructor on 02.10.1970. The said person retired from service and in the said sanctioned post, the writ petitioner/first respondent was appointed on 23.03.1998.

4. The learned Single Judge after careful consideration of the materials placed before this Court held that there is no material to show that the first respondent/writ petitioner was originally appointed as part time teacher. The records produced by the management is certified by the educational authorities, namely the fifth appellant shows that the first respondent/writ petitioner was appointed in a retired vacancy as against the sanctioned post. This factual aspect could not be disputed by the appellants. Hence, no grounds are made out in the writ appeal to interfere with the order. The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)



To

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

WEB COPY

2.The Director of School Education,
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4.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

5.The District Educational Officer,
Nagercoil,
Kanyakumari District.

+1CC to M/S.M.R.Sreenivasan, Advocate, SR.No. 53251
+1CC to the Special Government Pleader SR.No. 53447

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AM/SV/SAR 3/02.05.2017/3P/8C