



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2017

CORAM:

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

W.A. [MD] .No.569 of 2017
and
C.M.P (MD) .No.4730 of 2017

1. The Joint Director of Elementary Education,
College Road,
Nungambakkam, Chennai-6.
2. The District Elementary Educational Officer,
Swami Nellaiyapper High Road,
Tirunelveli Junction,
Tirunelveli.
3. The Additional Assistant Elementary Educational Officer,
Kalakkad Range and Post,
Nanguneri Taluk,
Tirunelveli District. : Appellants

Vs.

- 1.The Secretray,
Adi Dravida Hindu Primary School,
Malayandicheri,
Singikulam Post,
Nanguneri Taluk, Tirunelveli District.
- 2.L.Juliet : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 22.07.2014 made in W.P.(MD).No.7163 of 2011, on the file of this Court.

Prayer in WP(MD). 7163/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ order or direction particularly in the nature of writ of certiorarified mandamus calling for the records pertaining to the order passed by the 2nd respondent in Na.Ka.No.6785/A2/2010 dated 12.04.2011 quash the



same and consequently direct the 2nd and 3rd respondent to accord approval to the appointment of the 4th respondent and direct the respondent to pay the cost in filing this Writ Petition and pass such further or other orders as this Honourable Court may deem fit and proper and thus render justice.

For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent No.2 : Mrs.P.Kalaiyarasi Bharathi

JUDGMENT

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

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader, appearing for the appellant and Mrs.P.Kalaiyarasi Bharathi, learned counsel appearing for the second respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal is directed against the order dated 22.07.2014 made in W.P.(MD).No.7163 of 2011. This said Writ Petition was filed by the first respondent herein challenging refusal to approve the appointment of the second respondent herein. The Writ Court allowed the said Writ Petition, taking note of the decision in W.P.(MD).No.3772 of 2008, dated 25.07.2011, [S.Christy Vs. The Chief Educational Officer, Kanyakumari and others]. As rightly pointed out by the learned Special Government Pleader for the appellants, the said order in the Writ Petition has been reversed. In any event, the fourth respondent has been continuing to function in the said post. It is brought to the notice of this Court by the learned counsel for the first respondent that the District Elementary Educational Officer has approved the appointment of the second respondent herein. Thus, challenge made to the impugned order has become academic. Accordingly, we make it clear that the order passed in the Writ Petition has been left untouched solely for the reason that the department has approved the appointment of the second respondent teacher during the interregnum period and not the legal reasoning given in the impugned order.

3. In the result, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)



To

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NB

VB/KKR/SAR4/15.06.2017/3P/4C

JUDGMENT MADE IN
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and
C.M.P (MD) .No.4730 of 2017
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