



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A.[MD].No.70 of 2017

and

W.M.P.(MD).No.592 of 2017

WEB COPY

- 1.The Government of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Secretariat, Chennai.
- 2.The Director of School Education,
DPI Compound, College Road, Chennai.
- 3.The District Elementary Educational Officer,
Tirunelveli Education District,
Tirunelveli.
- 4.The Assistant Elementary Educational Officer,
Ambasamudram, Tirunelveli District. : Appellants

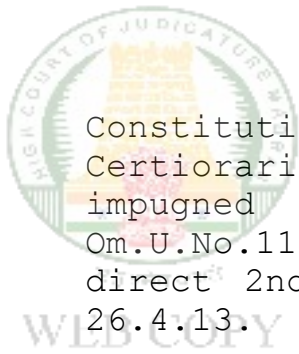
Vs.

Saraswathi Issac Primary School,
Cause Keeper Thoppu, Papanasam Mills,
Represented by its Secretary,
Jeyasigamani, S/o.Maraiselvam,
Tirunelveli District. : Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 07.01.2016 made in W.M.P.(MD).No.246 of 2016 in W.P.(MD).No.318 of 2016, on the file of this Court.

Prayer in WMP(MD). 246/ 2016 :

To pass an order of Ad interim Direction, directing the 2nd respondents to give Temporary approval to the post of Head Mastedr at Saraswathi Issac Primary School, Causekeeper Thoppu, Papanasam Mills P.O. Tirunelveli District without insisting the TET qualification and to disburse grand in aid along with arrears to the petitioner school with effect from 1.6.2013 pending disposal of the writ petition.



Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus to call for the records pursuant to the impugned rejection order passed by the 4th respondent in Om.U.No.1199/B1/2013 dated 3.3.14 quash the same and consequently direct 2nd respondent to approve the appointment proposal dated 26.4.13.

For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent : Mr.S.Chellapandian

JUDGMENT

[Judgment of the Court was made by **R.SUBBIAH, J.**]

This Writ Appeal has been filed as against the interim order, dated 07.01.2016, made in W.M.P.(MD).No.246 of 2016 in W.P.(MD).No.318 of 2016.

2. The said Writ Petition was filed by the respondent herein challenging the impugned rejection order dated 03.03.2014 passed by the fourth appellant herein and for a direction to the second appellant to approve the proposal dated 26.04.2013. Pending the Writ Petition, the respondent school filed W.M.P.(MD).No.246 of 2016 seeking a direction to the second appellant herein to give temporary approval to the post of Headmaster at Saraswathi Issac Primary School, Cause Keeper Thopoo, Papansam Mills Post, Tirunelveli District, without insisting TET qualification and to disburse grant-in-aid along with arrears to the respondent school.

3. The learned Single Judge of this Court, by order dated 07.01.2016, directed the appellants herein to give temporary approval and disburse the grant-in-aid to the respondent school, within a period of six weeks from the date of receipt of a copy of the order. Aggrieved over the same, the appellants have come up with this Writ Appeal.

4. After hearing learned counsel on either side, this Court is of the considered view that instead of setting aside the interim order passed by the learned Single Judge, it would be appropriate to request the learned Single Judge to take up the main Writ Petition and dispose of the same, at the earliest.

5. Accordingly, without disturbing the interim order passed by the learned Single Judge, the Writ Appeal is dismissed with a request to the learned Single Judge to take up the main Writ Petition and dispose of the same, at the earliest. No costs. Consequently, connected Miscellaneous Petition is Closed.

Sd/-

Assistant Registrar(CO)



/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

To

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai.
 - 2.The Director of School Education,
DPI Compound, College Road, Chennai.
 - 3.The District Elementary Educational Officer,
Tirunelveli Education District,
Tirunelveli.
 - 4.The Assistant Elementary Educational Officer,
Ambasamudram, Tirunelveli District.
- +1cc to Mr.S.Chella Pandian Advocate in SR. No.4308
+1cc to Special Government Pleader in SR. NO.4162
NB
JS/BS/09.02.2017/3P-7C

**JUDGMENT MADE IN
W.A. [MD] .No.70 of 2017
24.01.2017**