



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

AND

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

W.A. (MD) No. 727 of 2017 &

C.M.P. (MD) No. 5491 of 2017

1. The Director of Elementary Education,
College Road, Chennai-600 006.
2. The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
3. The Additional Assistant Elementary
Educational Officer, Sathankulam,
Tuticorin District. ... Appellants/Respondents 1 to 3
- Vs.

1. Regina Mary
Sewing Mistress,
(Pre-Vocational Instructor)
St. Antony's Middle School,
Puchikadu-628 655,
Tuticorin District. ... 1st Respondent/writ petitioner
2. The Correspondent,
St. Antony's Middle School,
Puchikadu-628 655,
Tuticorin District. ... 2nd Respondent/4th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order, dated 28.02.2014, made in W.P. (MD) No. 14754 of 2013.

Prayer in WP (MD) . 14754/ 2013 :

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 relating to the impugned proceedings issued by the 2nd respondent District Elementary Educational Officer in O.Mu.242/A2/2011 dated 02/02/2011 Quash the same and further Direct the respondents to approve forthwith the appointment of the petitioner as Sewing Mistress (pre-vocational instructor) in the 4th respondent school namely, St. Antonys middle school, Puchikadu, w.e.f. the date of petitioners appointment on 29/11/2010 with all attendant benefits including the arrears of salary and allowance.



For Appellants : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader
For R1 : Mr.T.Cibi Chakraborty

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JUDGMENT

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

By consent, the Writ Appeal itself is taken up for final disposal.

2.Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.T.Cibi Chakraborty, learned counsel appearing for the first respondent.

3.This appeal, by the Director of Elementary Education and two others, is directed against the order passed in W.P.(MD)No.14754 of 2013, dated 28.02.2014. The writ petition was filed by the first respondent herein challenging the order passed by the second appellant, dated 02.02.2011 and to direct the appellants to approve the appointment of the respondent as Sewing Mistress (Pre-Vocational Instructor) in the second respondent School with effect from the date of petitioner's appointment on 29.11.2010. The Writ Court after taking into consideration the decision in W.P.No.7218 of 2008, dated 04.08.2009 and the judgment of the Hon'ble Division Bench in W.A(MD).No.16 of 2011, dated 25.01.2011 has allowed the writ petition and directed the second appellant to consider the grant of approval to the respondent and pass appropriate orders. The appellant has passed an order on 08.12.2014 approving the appointment, however, they have imposed the condition that subject to the appeal being preferred against the order in the writ petition.

4.In the light of the above fact the writ petition was allowed following the judgment of the Division Bench, which has attained finality and was implemented. We find no grounds to interfere with the orders passed by the writ Court. Accordingly, the writ appeal fails and dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)



TO

- 1.The Director of Elementary Education,
College Road, Chennai-600 006.
- 2.The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
- 3.The Additional Assistant Elementary
Educational Officer, Sathankulam,
Tuticorin District.

Das/am

MAS/KP/SAR4:03.07.2017:3P-4C

W.A. (MD) No.727 of 2017
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