



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A.[MD].No.123 of 2016
and
C.M.P.(MD).No.564 of 2016

The Correspondent,
RC High School,
Palliyadi 629 169,
Kanyakumari District.

: Appellant

Vs.

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

2.The Director of School Education,
College Road, Chennai 600 006.

3.The Chief Educational Officer,
Nagercoil, Kanyakumari District 629 001.

4.The District Educational Officer,
Thuckalay,
Kanyakumari District 629 175.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 07.06.2010 made in W.P.(MD).No.4080 of 2008, on the file of this Court.

Prayer in WP(MD). 4080/ 2008 :

Writ Petition filed under Article 226 of Constitution of India, praying for issue of Writ of certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 4th respondent District Educational Officer vide her proceedings in Na.Ka.No.1679/A3/2008 dated 12.3.2008, quash the same and to direct the 4th respondent to approve the appointment of the Headmistress/BT Assistant in the petitioner-school namely Senthil Arts & Science Higher Secondary Bai w.e.f. 1.6.2005 and to disburse the staff grant towards her salary from the said date.



For Appellant

: Mr. Isaac Mohanlal
Senior Counsel
For Mr. S. Xavier Rajini

For Respondents

: Mr. VR. Shanmuganathan
Special Government Pleader

JUDGMENT

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

The present Writ Appeal has been directed as against the order, dated 07.06.2010, made in W.P.(MD).No.4080 of 2008.

2. The said Writ Petition was filed by the appellant herein seeking to quash the order of the fourth respondent herein dated 12.03.2008 and for a direction to the fourth respondent to approve the appointment of Headmistress/BT Assistant in the appellant school, namely, Tmt.A.Mary Glory Bai, with effect from 01.06.2005 and to disburse the staff grant towards her salary from the said date.

3. A learned Single Judge of this Court, by order dated 07.06.2010, dismissed the said Writ Petition. Aggrieved over the same, the appellant has come up with this Writ Appeal.

4. Today, when the Writ Appeal is taken up for consideration, Mr.VR.Shanmuganathan, the learned Special Government Pleader, submitted that since Tmt.A.Mary Glory Bai had already attained superannuation, the fourth respondent is prepared to consider the claim of the appellant to approve the appointment of Tmt.A.Mary Glory Bai, for the post of BT Assistant, notionally, with effect from 01.06.2005 and disburse the staff grant towards her salary from the said date, provided the appellant gives up the prayer for the approval of appointment of Tmt.A.Mary Glory Bai for the post of Headmistress.

5. In reply to the above said fair submission made by the learned Special Government Pleader for the respondents, the learned Senior Counsel appearing for the appellant would submit that the appellant does not press for the prayer for the approval of appointment of Tmt.A.Mary Glory Bai, as Headmistress. The learned Senior Counsel would further submit that in fact, in the prayer, the appellant has sought for approval of appointment of Tmt.A.Mary Glory Bai, for the post of BT Assistant also.

6. In view of the said submission made by the learned counsel for the respondents, this Court is of the view that there is no need to traverse into the reasons assigned by the learned Single Judge in the Writ Petition. Therefore, based on the submission made by the



learned Special Government Pleader for the respondents, the Writ Appeal stands disposed of with a direction to the fourth respondent to consider the claim of the appellant to approve the appointment of Tmt.A.Mary Glory Bai, for the post of BT Assistant, with effect from 01.06.2005 and disburse the staff grant towards her salary from the said date. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Secretary to Government,
Department of School Education,
Fort.St.George, Chennai 600 009.
- 2.The Director of School Education,
College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
Nagercoil, Kanyakumari District 629 001.
- 4.The District Educational Officer,
Thuckalay, Kanyakumari District 629 175.

+1CC to M/S.Xavier Rajini, Advocate, SR.No. 403
+1CC to the Special Government Pleader, SR.No. 814

JUDGMENT MADE IN
W.A.[MD].No.123 of 2016
03.01.2017

NB
AM/SS3/19.01.2017/3P/7C