



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.A. (MD) No. 1018 of 2013 &

M.P. (MD) No. 2 of 2013

1. The Director of Elementary Education,
DPI Compound
College Road,
Nungambakkam,
Chennai-9.
 2. The District Elementary Educational Officer,
Government Higher Secondary School Compound,
Allinagaram,
Theni.
 3. The Assistant Elementary Educational Officer
Near Pallivasal
Vadakarai,
Periyakulam,
Theni District.
- ... Appellants/Respondents
- Vs.

C. Vellaiyammal
Headmistress,
Gandhi Vidhyalayam Elementary School,
Perumalpuram
Periyakulam
Theni District.

... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order passed in W.P. (MD) No. 6329 of 2009, dated 27.09.2012.

Prayer in WP (MD) . 6329/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the respondents to appoint the new Headmistress in Gandhi Vidhyalayani Elementary School, Perumalpuram, Keezhavadakarai, Periyakulam Taluk, Theni District in the event of the petitioner's retirement dated 31.8.2009.

For Appellants

: Mr. VR. Shanmuganathan

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader

For Respondent

: Mr. D. Sivaraman

**JUDGMENT**

[Judgment of the Court was delivered by **M.M. SUNDRESH, J**]

The respondent being the writ petitioner filed an earlier writ petition seeking salary in pursuance to a decision made by the official respondent deploying her to some other school. The writ petition was allowed. Against which, a writ appeal was filed in W.A.No.1240 of 2011. The aforesaid appeal was allowed. Against which SLP was preferred and the same was also dismissed.

2. Thereafter, the present writ petition has been filed seeking appointment of a new person in the place of the writ petitioner, since the petitioner attained the age of superannuation. Taking note of the fact that there was no interim order obtained in W.A.No.1240 of 2011, the present writ petition was allowed. As against which, this appeal is before us.

3. It is the admitted fact that when the learned Single Judge passing the order in the writ petition, the order of the Division Bench in W.A.No.1240 of 2011 was not available. The said order was passed subsequently. In view of the afore-said order, the relief sought for in the writ petition cannot be granted. Further, we are of the considered view that the writ petitioner does not have any *locus standi* to file the writ petition. The writ petitioner cannot represent the institute. It is not a Public Interest Litigation. The earlier writ petition was a private interest litigation, in which she sought for salary. Therefore, looking from any perspective, we are of the view that the order passed by the learned Single Judge cannot sustain in the eye of law. Accordingly, the writ appeal stands allowed. Consequently, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

4. The learned counsel for the respondent/writ petitioner would submit that the review application has been filed as against the order passed in W.A.No.1240 of 2011. It is made clear that neither this judgment nor the finding of the learned single judge will have a bearing on the review application and the same will be decided on its own merits.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
DPI Compound

<https://hcservices.edutech.gov.in/hcservices/>

Nungambakkam, Chennai-9.



2.The District Elementary Educational Officer,
Government Higher Secondary School Compound,
Allinagaram,
Theni

WEB COPY

3.The Assistant Elementary Educational Officer
Near Pallivasal
Vadakarai,
Periyakulam,
Theni District.

+1cc to M/S.D.SIVARAMAN, Advocate SR.No.73310

+1cc to Special Government Pleader, SR.No.73522

jikr

JS/KK/SAR2:01.09.2017:3P-6C

W.A. (MD) No.1018 of 2013
18.08.2017