

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 1333 of 2013

Manimegalai

... Appellant

Vs.

1. The District Elementary Educational Officer,
Perunthitavalagam,
Sivagangai,
Sivaganagi District.
2. The District Educational Officer,
Ram Nagar, Devakottai Extension,
3. The Assistant Educational Officer,
Sakkottai Union,
Kailasanathapuram,
Karaikudi.
4. The Secretary,
Chittal Achi Memorial Elementary School,
Kandanur,
Karaikudi Taluk,
Sivagangai District

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 21-12-2012 in W.P. M.P. No. 28521 of 2005 in Rev. Appl. SR No. 101585 of 2005 in W.P. No. 14351 of 2003 on the file of this Court.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 559 days in filing the Rev.Application Sr.No.101585/2005 sought to be presented to this Court, receiving the order passed in W.P.No.14351 of 2003 dated 29.01.2003 (Petitioner presented under Article 226 of the Constitution of India, to issue Writ of Mandamus to approve the appointment of the Petitioner as Secondary Grade Teacher on the Chital Achi Memorial Elementary School, Kadanur together with benefit of Services from 7.9.2010.

For Appellant : Mr. C. Vediappan

For Respondents: Mr. K. Karthikeyan,
Government Advocate for R1 to R3
Ms. A.L. Ganthimathi for R4

J U D G M E N T
(Delivered by M.M.Sundresh,J.)

This appeal has been preferred against the order passed in the Review Application. The writ petition was dismissed on the ground that the order passed way back in the 1994 has not been challenged. The learned Single Judge dismissed the Review Application both on merit and on the question of law.

2. The learned counsel appearing for the fourth respondent would submit that the appellant is not working with the fourth respondent.

3. We are of the view that the appeal is not maintainable, since no appeal has been preferred against the order dated 11.3.1994 not approving the appointment of the petitioner. Even otherwise, we do not find any error in the order passed by the learned Single Judge. It is not as if the appellant was not aware of the order dated 11.3.1994. Writ of mandamus would not lie when there was already an adverse order passed.

4 In view of the above, the appeal stands dismissed. However, the dismissal of the writ appeal will not stand in the way of the appellant in approaching the authorities seeking payment for the period she was in service. No costs. Consequently,

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssm
To:

1. The District Elementary Educational Officer,
Perunthitavalagam,
Sivagangai,
Sivaganagi District.

2. The District Educational Officer,
Ram Nagar, Devakottai Extension,

3. The Assistant Educational Officer,
Sakkottai Union,
Kailasanathapuram,
Karaikudi.

+1cc to M/S.A.L.Ganthimathi, Advocate Sr.84756

+1cc to M/S.C.S.Associates, Advocate Sr.84779

+1cc to the Government Pleader Sr.85111

W.A. No. 1333 of 2013

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srg 11/01/2019



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