

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 5.1.2018
CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1737 of 2017
and
C.M.P.No.22181 of 2017

- 1 The Government of Tamilnadu
Rep. by The Addl. Chief Secretary
Department of School Education
Fort St. George Madras-600 009.
 - 2 The Director of School Education
DPI Campus College Road
Chennai-600006
 - 3 The Chief Educational Officer
The Office of the Chief Educational Officer
Collectorate Building B Block
Sathuvachari Vellore 632 009
 - 4 The District Educational Officer
The Office of the District
Educational Officer (Chennai Central)
Kasthamettu Street
Kosapet Vellore 632 001
- Appellants

Versus

1. Mrs.M.Prasalya
 2. The Correspondent,
C.S.I. Central Higher Secondary School,
Arakonam 631 001. Vellore District.
- Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.4.2015 passed in M.P.No.3 of 2015 in W.P.No.11928 of 2015 on the file of this court.

MP.3 OF 2015 IN WP.11928/2015:

To direct the respondents to pay salary to the petitioner working as B.T.Assistant (Science) in C.S.I. Central Higher Secondary School, Arakkonam-631 001, Vellore District. w.e.f. 4.7.2012 by granting temporary approval, (IN MP.3 OF 2015 IN WP.11928/2015)

WP.11928/2015:

Writ of Certiorarified mandamus or any other appropriate writ of order or direction in the nature of a writ Calling for the records pertaining to the impugned G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 8.12.2012 in Na.Ka. No.6817/ AA5/2012, on the file of the 4th respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner M.Prasalya as B.T.Assistant (Science) in C.S.I. Central Higher Secondary School, Arakkonam-631 001, Vellore District w.e.f. 4.7.2012 with all service benefits

For appellant : Mr.P.S.Sivashanmugasundaram
Special Government Pleader
For respondent : Dr.Fr.A.Xavier Arulraj

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge allowing the interim application and thereby directing the appellants to pay salary to the writ petitioner/first respondent herein, working as B.T. Assistant (Science) in the second respondent institution with effect from 4.7.2012 by granting temporary approval.

3. It has been held in the case of SECRETARY TO GOVERNMENT v. S.JEYALAKSHMI ((2016) 7 MLJ 155) that the Government cannot insist for possession of Teacher Eligibility Test qualification for granting approval of their appointment. Therefore, the subject matter of the writ appeal is no more res integra. Further, the writ appeal, having been filed challenging the order passed in an interim application, we find that the main writ petition itself has been disposed of by this court by order dated 24.8.2016. Therefore, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Government of Tamilnadu
Rep. by The Addl. Chief Secretary
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5. The Correspondent,
C.S.I. Central Higher Secondary School,
Arakonam 631 001. Vellore District.

+1cc to Mr.A.ARULMURY, Advocate, S.R.No. 1006
+1cc to the Government Pleader, S.R.No. 1916

W.A.No.1737 of 2017

LRS (CO)
TR(08/02/2018)

सत्यमेव जयते

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