

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.220 of 2017

and C.M.P.No.3737 of 2017

- 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 Joint Director of School Education (Vocational)
College Road, Chennai 600 006.
- 4.The Chief Educational Officer
Chief Educational Office
Collectorate Campus
Villupuram District 605 602.
- 5.The District Educational Officer
District Educational Office
Murungampakkam
Tindivanam 604 001
Villupuram District.

सत्यमेव जयते
vs

The Correspondent & Headmaster
St.Ann's Higher Secondary School
Tindivanam 604 001
Villupuram District.

...Appellants
...Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order of this Court passed in W.P.No.17195 of 2016 dated 01.06.2016 issue suitable interim orders directing the respondents to provisionally approve forthwith the appointment R. John Vincent Paul as Vocational Instructor in General Machinist w.e.f. 04.06.2007 and disburse the grant-in-aid towards his salary with allowances and all other attendant benefits within a reasonable time as may be specified by this Honourable Court, in WMP.No.14642 of 2016 in WP.17195 of 2016.

WP.17195 of 2016.

Petition presented to this Court, to issue a writ of certiorarified Mandamus, Calling for the records relating to the impugned proceedings issued by the 5th respondent District Educational Officer in O. Mu. No. 6233/A2/2016 dated 21.03.2016 quash the same and further direct the respondents to approve forthwith the appointment of R. John Vincent Paul as Vocational Instructor in General Machinist w.e.f 04.06.2007 and disburse the grant-in-aid towards his salary with allowances and all other attendant benefits.

For Appellants : Mr.K.Karthikeyan
Government Advocate

For Respondent : Mr.Godson Swaminathan
for M/s Issac chambers

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The order directing the appellants to pay the salary to the teacher employed by the respondent is under challenge in this appeal at the instance of the State.

2. The respondent filed a Writ Petition in W.P.No.17195 of 2016 challenging the order dated 21 March, 2016 on the file of the District Educational Officer, Villupuram, refusing to approve the appointment of the employee on the ground that prior permission was not taken from the competent authority before appointment. The respondent filed an interlocutory application directing the appellants to pay the salary to the employee, pending disposal of the Writ Petition. The learned Single Judge, by placing reliance on the judgment in W.A.No.1616 of 2015 and W.P.No.3474 of 2016, allowed the said application and a direction was issued to pay the salary to the teacher employed by the respondent.

3. The learned counsel for the respondent fairly submitted that the orders referred to in the interim order by the learned Single Judge has nothing to do with the issue raised by the respondent in the Writ Petition.

4. There was no independent consideration of the merits of the matter by the learned Single Judge while directing the appellants to pay salary to the employee. The learned Single Judge just quoted the judgment of the Division Bench and an order passed by the Writ Court to grant the interim relief to the respondent. Since those proceedings have nothing to do with the issue raised by the respondent in the Writ Petition, we are inclined to set aside the order passed by the learned Single Judge. We are also informed that the Writ Petition is for final disposal.

5. We therefore, set aside the order dated 01 June, 2016 in W.M.P.No.14642 of 2016 in W.P.No.17195 of 2016. It is open to the respondent to take up all contentions on facts and law before the Writ Court. We direct the Registry to post the Writ Petition in W.P.No.3474 of 2016 before the appropriate Bench as per roster, at an earlier date.

The intra court appeal is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The State of Tamil Nadu
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District Educational Office
Murungampakkam
Tindivanam 604 001
Villupuram District.

6.The Section Officer.
Writ Secction,
High Court Madras.

7.The Registrar (Judicial)
High Court, Madras.

+1 CC to the Government Pleader SR.NO.3365

+1 CC to Mr. M/s Issac chambers Advocate SR.NO.3509

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