

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.02.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.740 of 2014
and M.P.No.1 of 2014

1. The Government of Tamil Nadu
rep by its Secretary
Department of School Education
Fort St.George, Chennai 9.
 2. The Director of School Education
DPI Campus, College Road
Chennai 6.
 3. District Educational Officer
Thiruvallur 01. ... Appellants
- Vs.
- CSI High School
rep by its Correspondent
Mr.V.Sigamani
Ikkadu, Thiruvallur 602 021. ... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 21.08.2008 made in W.P.No.20429 of 2008, on the file of this Court.

W.P.No.20429 of 2008:-

Writ petition filed under article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified mandamus to call for the records pertaining to the proceedings dated 26.02.2007 in O.M.No.1964/B2/2006 on the file of the 3rd respondent and quash the same directing the respondents to accord approval to the appointment of Mr.S.Christopher Devakadatcham as Office Assistant w.e.f. 07.02.2006 with all attendant benefits.

For Appellants : Mr.K.Karthikeyan
Government Advocate
For Respondent : Dr.Fr.A.Xavier Arul Raj
Senior Counsel
for Ms.Vaidhegi

J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN, J.]

The respondent filed a writ petition in W.P.No.20429 of 2008 challenging the proceedings dated 26 February, 2007 on the file of the District Educational Officer, Tiruvallur and for a direction to the State to accord approval to the appointment of Mr.S.Christopher Devakadatcham as Office Assistant with effect from 07 February, 2006. The learned Single Judge while allowing the writ petition, by order dated 21 August, 2008, directed the State to grant approval of appointment with effect from 03 August, 2005 along with all the other benefits. The order is under challenge at the instance of the State.

2. The learned Single Judge taking into account the earlier orders passed by the writ court as well as the Division Bench in W.P.(MD).No.308 of 2008, allowed the writ petition. The learned Single Judge directed the appellants to approve the appointment with effect from 03 August, 2005.

3. The learned counsel for both the parties fairly submitted that the issue raised in this appeal is covered by the decision of a co-ordinate Bench dated 07 December, 2016 in W.A.No.13 of 2010. We are, therefore, of the view that there is no need for a factual adjudication of the issue once again by this Court.

4. The learned Government Advocate raised an issue to the effect that the prayer itself was to grant approval with effect from 07 February, 2006 and as such, the learned single Judge was not correct in directing approval of appointment with effect from 03 August, 2005. We do see considerable force in the said submission.

5. The learned Senior Counsel for the respondent fairly submitted that the respondent would be satisfied in case the effective date is modified as 07 February, 2006 instead of 03 August, 2005. The said submission is recorded.

6. We modify the order passed by the learned Single Judge to the effect that the approval for appointment would be effective with effect from 07 February, 2006 instead of 03 August, 2005.

The intra court appeal is disposed of with the above modification in the order passed by the learned Single Judge.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gms

To

1. The Secretary
Government of Tamil Nadu
Department of School Education
Fort St.George, Chennai 9.
2. The Director of School Education
DPI Campus, College Road
Chennai 6.
3. District Educational Officer
Thiruvallur 01.

+1cc to the Government Pleader, S.R.No.14017

+2ccs To M/s.Father Xavier Associates,in sr.no.13899 (28.06.18)

W.A.No.740 of 2014

PA(CO)
CS/22/03/18

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