

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11106 of 2008

&

MP.No.1 of 2008

S.Peter Raj

... Petitioner

Vs.

1. The Director of Medical and Rural Health Services,
DMS Compound, Chennai-6.
2. The Director of School Education,
College Road, Chennai-6.
3. The Chairman-cum-Joint Director of Health Services, District Medical Board,
Thoothukudi,
Thoothukudi District.
4. The District Educational Officer,
Thoothukudi.
5. St.Mary's Higher Secondary School,
Rep. by its Correspondent,
Pothakalanvilai,
Thoothukudi District - 628 702.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the second medical report dated 10.04.1997 given by the 3rd respondent contrary to the report already given to the petitioner on 10.04.1997 and the action of the 1st respondent in not rectifying the illegality committed by the 3rd respondent and the consequential action of the 5th respondent in refusing to sanction unearned leave on medical certificate for the period from 10.03.1997 to 10.04.1997 and treating the said period as extra ordinary leave on loss of pay, as illegal, non-est and in-operative and direct the 5th respondent to treat

the period from 10.03.1997 to 10.04.1997 as unearned leave on medical certificate as per the medical report given to the petitioner by the Medical Board, with all consequential benefits, Award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.S.M. Edward Stanely
for R5

O R D E R

The writ petition has been filed to declare the second medical report dated 10.04.1997 given by the 3rd respondent contrary to the report already given to the petitioner on 10.04.1997 and the action of the 1st respondent in not rectifying the illegality committed by the 3rd respondent and the consequential action of the 5th respondent in refusing to sanction unearned leave on medical certificate for the period from 10.03.1997 to 10.04.1997 and treating the said period as extra ordinary leave on loss of pay, as illegal, non-est and in-operative and direct the 5th respondent to treat the period from 10.03.1997 to 10.04.1997 as unearned leave on medical certificate as per the medical report given to the petitioner by the Medical Board, with all consequential benefits.

2. When the case was taken up for consideration, the learned counsel for the 5th respondent on instructions submitted that the service of the petitioner has been regularised, subsequent to the filing of this writ petition. Learned counsel further submitted that the petitioner on attaining the age of superannuation has retired from the service and has also received all the terminal benefits due to him. Thus, according to the learned counsel, the relief sought for herein has become infructuous and hence, nothing survives for adjudication in this writ petition.

3. Recording the same, this writ petition stands closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

av/ia

To

1. The Director of Medical and
Rural Health Services,
DMS Compound, Chennai-6.

2. The Director of School Education,
College Road, Chennai-6.
3. The Chairman-cum-Joint Director of Health
Services, District Medical Board,
Thoothukudi,
Thoothukudi District.
4. The District Educational Officer,
Thoothukudi.

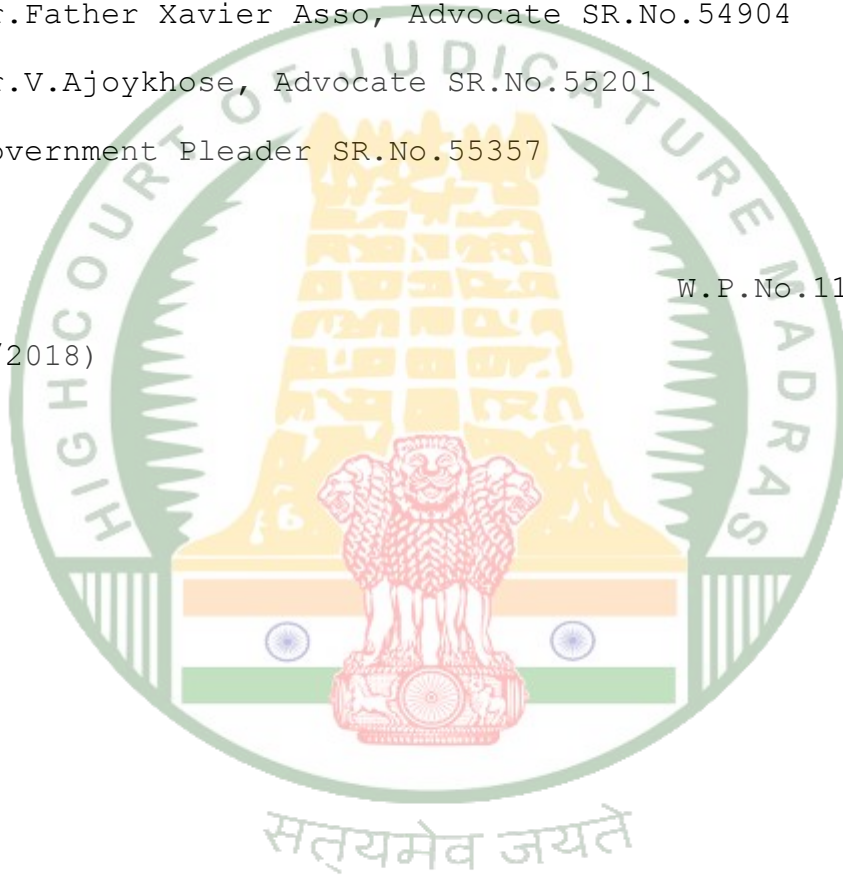
+2cc to Mr.Father Xavier Asso, Advocate SR.No.54904

+1cc to Mr.V.Ajoykhose, Advocate SR.No.55201

+1cc to Government Pleader SR.No.55357

W.P.No.11106 of 2008

GMV (18/09/2018)



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