

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA
and
THE HONOURABLE Mrs. JUSTICE S.RAMATHILAGAM

W.A.No.475 of 2013 against WP. 27924/11
and M.P.No.1 of 2013

1. The District Elementary Educational Officer,
Cuddalore.
2. The Additional Assistant Elementary
Educational Officer,
Bhuvanagiri. ... Appellants /Respondent

versus

N.Sivakumar ... Respondent /Petitioner

Appeal filed under Clause 15 of Letters of Patent against the order dated 27.01.2012 made in W.P.No.27924 of 2011.

W.P.No.27924 / 2011: This Writ petition is filed under Article 226 of the constitution of India for issuance of a Writ of Mandamus directing the respondents to ratify and approve the appointment of Smt. N.Palaniammal, as secondary grade teacher in the petitioner schol W.e.f. 09.02.2011 with all consequential benefit.

For Appellants : Mr.K.Karthikeyan,
Government Advocate (Education)

For Respondent : No appearance

WEB COPY
JUDGMENT

The petitioner filed a writ petition seeking to quash the impugned order dated 25.02.2011, by which, proposal to approve the appointment of Smt.N.Palaniammal as a Secondary Grade Teacher was returned by the respondents therein. The learned single Judge, relying upon the decision of this Court, reported in 2011 5 CTC 532 (S.Christy vs. The Chief Educational Officer and 3 others) held that no prior permission is necessary in

respect of a sanctioned post and set aside the order passed by the respondents and consequently, allowed the writ petition, directing the respondents to grant approval to the appointment of Smt.N.Palaniammal forthwith. Aggrieved over the order passed by the learned single Judge in the writ petition, the respondents have filed this appeal.

2. The learned counsel appearing for the appellants submits that the ratio of the students and teacher is fixed every year in the month of August and according to the norms, for a student strength of 30, 1 teacher has to be appointed and so far as this school is concerned, during 2011, the student strength was 75, during which time, 4 teachers have been working. It is submitted that even at the time of estimate, one excess post was there and for the one excess post, prior approval could not be granted and it is also justified. It is also submitted that Smt.N.Palaniammal is no more in the service of the school and she left the service even in the year 2011 itself.

3. In view of the subsequent happenings in the appointment of Smt.N.Palaniammal, nothing survives for adjudication. Therefore, the order of the learned single Judge stands set aside on different footing and not on merits. Hence, the writ appeal is allowed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

ogy

TO

1.The District Elementary Educational Officer,
Cuddalore.

2. The Additional Assistant Elementary Educational Officer,
Bhuvanagiri.

+1cc to Government Pleader SR.No.30329

W.A.No.475 of 2013

KJ(CO)
GN(30/07/2018)