

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.717 of 2016
and C.M.P.No.9446 of 2016

1. The Director of Elementary Education,
College Road, Chennai - 06.
 2. The District Elementary Educational Officer,
Salem District, Salem.
 3. The Additional Assistant Elementary Educational Officer,
Mulluchettypatty, Omalur, Salem District.
- Appellants

-vs-

1. B.Mahalakshmi
2. The Secretary, Aided Primary School,
Mulluchettypatty, Thinnapatty Post,
Omalur Taluk, Salem District.

..... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in M.P.No.2 of 2015 in W.P No.22891 of 2015 dated 29.07.2015.

MP 2/2015 : To issue a direction directing the respondent 1 to 3 to grant temporary approval of the appointment of the petitioner in the 4th Respondent school and pay the arrears of salary to the petitioner from the date of her appointment and continue to pay the salary.

WP Prayer :Calling for the records relating to the order of the 2nd Respondent made in his proceedings in Moo.Moo.No. 6772/B2/2012 dated 18.01.2013 and quash the same and direct the Respondents 1 to 3 to approve the appointment of the petitioner in the 4th Respondent School allowing her to pass the Teacher Eligibility Test within five years from the date of her joining duty and consequently direct the Respondents to pay the salary to the petitioner.

For Appellants : Mr.K.Karthikeyan, G.A.
For Respondents: Mr.A.S.Kaizeer - R1
No appearance - R2

J U D G M E N T

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

The learned single Judge by way of an interim order directed the appellants to give temporary approval for the appointment of the first respondent, who is an employee of the second respondent institution. The order is under challenge at the instance of the Education Department.

2. The learned Government Advocate on instruction submitted that during the currency of the appeal, the appellants have complied with the order dated 29.07.2015 in M.P.No.2 of 2015 in W.P.No.22891 of 2015. According to the learned Government Advocate the Government has extended the time till 31.03.2019 for qualifying the Teachers Eligibility Test examination.

3. The learned counsel for the first respondent on instruction submitted that the Writ Petition itself was allowed by a Division Bench along with the connected Writ Appeals by judgement dated 24.01.2017 in W.A.Nos.1126 of 2015 etc. Batch (The State of Tamil Nadu and others V. The Director of Elementary Education and others).

4. Since the order impugned in this intra Court appeal has already been implemented by the Government, we are of the view that nothing survives for adjudication in this appeal at this point of time.

5. Accordingly, the intra Court appeal is dismissed as infructuous. No costs. Consequently, the connected miscellaenous petition is also dismissed.

Sd/-

सत्यमेव जयते Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

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+1cc to Government Pleader SR.No.32858

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