



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: **28.08.2018**

CORAM:

**THE HONOURABLE MR. JUSTICE T.RAJA**  
and

WEB COPY

**THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY**

**W.A. (MD) No.302 of 2018**

and

**C.M.P. (MD) No.1780 of 2018**

1. The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
School Education Department,  
Secretariat, Chennai - 09.
  2. The Director of School Education,  
Directorate of School Education,  
College Road,  
Chennai - 06.
  3. The Chief Educational Officer,  
O/o. Chief Educational Officer,  
Dindigul District, Dindigul.
  4. The District Educational Officer,  
O/o. District Educational Officer,  
Palani Post,  
Dindigul.
- : Appellants/ Respondents

Vs.

1. Thenmozhi (Died) : 1<sup>st</sup> Respondent/Writ Petitioner
2. The Secretary,  
I.T.O. Higher Secondary School,  
Ayakudi Post - 624 613,  
Palani Taluk,  
Dindigul District. : 2<sup>nd</sup> Respondent/5<sup>th</sup> Respondent
3. P. Subramanian
4. S. Vivekanandan
5. S. Sridar
6. S. Ramesh : Respondents/3 to 6 implead Party

[Respondents 3 to 6 are brought on record as LRs of deceased First Respondent, vide Court order dated 28.04.2017 made in M.P. (MD) No.2/2014 in W.A. (MD) Sr.No.29665 of 2014 by TSSJ & NSSJ]

<https://hcservices.ecourts.gov.in/hcservices/>

**PRAYER:** The writ appeal filed under Clause 15 of Letter Patent, as



against the order dated 21.02.2014 made in W.P.(MD)No.14651 of 2012.

**Prayer in WP(MD) . 14651/ 2012 :**

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 2nd Respondent in O. Mu.No.58399/W5/E2/2012 dated 14.08.2012 and quash the same and consequently direct the Respondents to take into account the period i.e from 04.10.1989 to 04.06.2002, served by the Petitioner in the 5th Respondent School without financial assistance for the purpose of pay fixation and pensionary benefits.

|                           |                                               |
|---------------------------|-----------------------------------------------|
| For Appellants            | : Mr.C.Ramar<br>Additional Government Pleader |
| For Respondent 2          | : Mr.Babu Rajendran<br>for Mr.M.R.Murugesan   |
| For Respondents<br>3 to 6 | : Mr.M.Saravanakumar                          |

**ORDER**

(Judgment of this Court was delivered by T.RAJA, J.)

This Writ Appeal is directed against the order dated 21.02.2014 passed in W.P.(MD)No.14651 of 2012 in and by which the learned Single Judge has held that on the basis of the judgment passed in W.A.(MD)Nos.291 and 292 of 2008, dated 22.06.2008 holding that even though aid has been granted subsequently inasmuch as the teacher concerned is appointed in a sanctioned and approved post, she is entitled to count her service from the date of actual appointment. Therefore, when the learned Single Judge passed the order on the basis of the judgment made in W.A.(MD) Nos.291 and 292 of 2008, dated 22.06.2008, allowing the Writ Petition holding that the issue raised is no longer *res integra*, it is not known why the Writ Appeal has been filed. Hence, we are unable to see any arguable point and moreover, the issue raised was already concluded in W.A.(MD)Nos.291 and 292 of 2008. Further, We are bound by the order passed by the Hon'ble Division Bench in the afore said Writ Appeals. Therefore, the Writ Appeal fails and accordingly, the same is dismissed. No costs. Consequently, the Civil Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/



To

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O/o. Chief Educational Officer,  
Dindigul District, Dindigul.
4. The District Educational Officer,  
O/o. District Educational Officer,  
Palani Post,  
Dindigul.

+1cc to Mr.M.Saravanakumar, Advocate SR.No.80671

Srm

MK/SKN/SAR 2/17.09.2018/3P/6C

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**and**  
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**28.08.2018**