



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM:

WEB COPY

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

W.A.(MD).No.317 of 2018

C.Devaraj,
P.G.Teacher (History) (SG) Retired,
St. Joseph's Higher Secondary School,
Mulagumoodu,
Kanyakumari District. ... Appellant

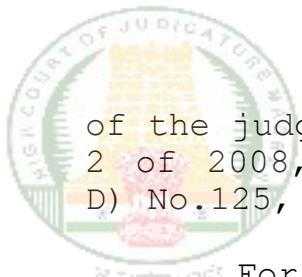
Vs.

- 1.The Government of Tamil Nadu,
Rep. By its Principal Secretary and Commissioner,
Department of Education,
(High School and Higher Sec. School)
Fort St. George, Chennai.
- 2.The Director,
Department of School Education,
E.V.K. Sampath Maaligai,
College Road, Chennai.
- 3.The Chief Education Officer,
Nagercoil,
Kanyakumari District.
- 4.The District Education Officer,
Kuzhithurai,
Kanyakumari District.
- 5.The Correspondent,
St. Joseph Higher Secondary School,
Mulagumoodu-629 167,
Kanyakumari District. ... Respondents

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order on 09.04.2013 made in W.P.(MD)No.649 of 2012.

Prayer in WP(MD). 649/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents 1 and 2 to act on the Petitioner s representation dated 20-09-2011, 21-10-2011, 21-11-2011 and 25-11-2011 in the light



of the judgment passed by this Honourable Court in W.A.Nos.291 and 22 of 2008, dated 26-06-2008 and extent all the benefits of G.O.(D) No.125, dated 13-04-2010 to the Petitioner.

For Appellant

: Mr.M.Saravanan

For Respondents 1 to 4

: Mr.D.Muruganantham

Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.M.Saravanan, learned counsel appearing for the appellant and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 to 4.

2.This appeal is directed against the order passed by the learned Single Judge in W.P.(MD)No.649 of 2012 dated 09.04.2013. We find from the impugned order that the writ petition was dismissed as withdrawn based on the endorsement made by the learned counsel for appellant. However, the appellant is aggrieved by the order of the learned Single Judge on merits despite the endorsement made by the learned counsel for the appellant, seeking permission to withdraw the writ petition with liberty to file a fresh writ petition and despite appeals are pending before the Hon'ble Supreme Court against the order passed in S.Devakadaksham Vs.The District Educational Officer reported in 2006 (4) MLJ 1580.

3.Considering the limited submission made by the learned counsel for the appellant, while dismissing the appeal filed by the appellant, we leave it open to the petitioner to work out his remedy in accordance with law.

4.Accordingly, the appeal stands dismissed with observation.
No Costs.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary and Commissioner,
Government of Tamil Nadu,
Department of Education,
(High School and Higher Sec. School)
Fort St. George, Chennai.

2.The Director,

Department of School Education,
E.V.K. Sampath Maaligai,
College Road, Chennai.



3.The Chief Education Officer,
Nagercoil,
Kanyakumari District.

4.The District Education Officer,
Kuzhithurai,
Kanyakumari District.

+1CC TO M/S.R.SUBRAMANIAN, ADVOCATE, SR NO.52098

W.A.(MD).No.317 of 2018
28.02.2018

mrn/rmk

MS/SV-MMS/SAR-2/22.03.2018/3P.6C