



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

WEB COPY

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

W.A.(MD).No.375 of 2018

T.Vinatha ... Appellant/ Petitioner

Vs.

1.The Director of School Education,
Chennai.

2.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

3.The Correspondent,
PIUS XI Higher Secondary School,
Thoothoor,
Kanyakumari District.

4.Sreenivasan
Headmaster (Retired),
PIUS XI Higher Secondary School,
Thoothoor,
Kanyakumari District.

... Respondents/ Respondents

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 02.09.2013 in W.P.(MD)No.15079 of 2010.

Prayer in WP(MD). 15079/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records pertaining to the impugned order passed by the 3rd Respondent dated 22-10-2010 and quash the same and direct the Respondent 1 to 3 to permit the Petitioner herein to join duty in the 3rd Respondent School.

For Appellant

: Mr.J.Anandhavalli

For Respondents 1 and 2

: Mr.V.R.Shanmuganathan
Special Government Pleader

For Respondent No.3

: Mr.M.Saravanakumar

**JUDGMENT**

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

Heard Mr.J.Anandhavalli, learned counsel appearing for the appellant, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.M.Saravanakumar, learned counsel appearing for the third respondent.

2.This present appeal by the writ petitioner is directed against the order made in W.P.(MD)No.15079 of 2010 dated 02.09.2013. The said writ petition was filed, challenging the order passed by the respondent Management dated 22.10.2010 and to direct the respondents to permit the petitioner to join duty. Admittedly, the petitioner did not attend duty for nearly 5 ½ years viz., between 23.06.2005 to 01.06.2010. The leave application was not submitted by the petitioner. Thereafter, the petitioner has been removed from service. This order has not been questioned in the year 2010. The Writ Court is perfectly right in rejecting the prayer sought for in the writ petition as the appellant did not report for duty. At distant point of time, the question of submitting leave application does not arise.

For the above reasons, we are of the opinion that there is no good ground to interfere with the order passed by the Writ Court. Hence, the writ appeal fails and is dismissed. No Costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Director of School Education,
Chennai.

2.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

+1CC TO M/S.M.SARAVANA KUMAR, ADVOCATE, SR NO.55456

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55543

+1CC TO M/S.J.ANANDHAVALLI, ADVOCATE, SR NO.4081

W.A.(MD).No.375 of 2018

14.03.2018

Mrn

MS/KKR/SAR-4/05.04.2018/2P.6C