



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.02.2018

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**
and
THE HONOURABLE **MRS.JUSTICE R.THARANI**

W.A.(MD)No.596 of 2014
against in W.P.(MD)No.4744 of 2011
and
M.P.(MD)No.1 of 2014

1. The Principal Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.
 2. The Director of Elementary Education,
D.P.I.Campus, College Road,
Chennai - 600 106.
 3. The District Elementary Education Officer,
Thanjavur, Thanjavur District.
 4. The Assistant Elementary Education Officer,
Sethubav Chattiram Union,
at Kuruvikarambai,
Thanjavur District.
- ... Appellants/ Respondents

Vs.

P.Vijayalakshmi ... Respondent/Writ Petitioner

Prayer: Writ Appeal is filed under Clause 15 of Letter Patent,
against the order passed by this Court, dated 10.02.2014 in W.P.
(MD)No.4744 of 2011.

Prayer in WP(MD). 4744/ 2011 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Mandamus, directing the respondents to issue postings to the
petitioner as Graduate Assistant in Mathematics in any Panchayat
Union Middle School at Thanjavur District.

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

: Mr.V.R.Shanmuganathan
Special Government Pleader

For Respondent

: Mr.K.Guhan

**J U D G M E N T**

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

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader for the appellants and Mr.K.Guhan, learned counsel for the respondent.

2. This appeal by the State is directed against the order in W.P.(MD)No.4744 of 2011, dated 10.02.2014. The respondent herein filed the said writ petition to direct the appellants to issue posting orders to her as Graduate Assistant in Mathematics in any Panchayat Union Middle School in Thanjavur District. The appellants resisted the prayer by contending that Rule 4(e) of Tamil Nadu State and Subordinate Service Rules is not applicable and further the respondent/writ petitioner had submitted a request for grant of extension of time to join duty after three years, after the order of appointment dated 14.03.2007, was issued. The writ Court, after taking note of the objection raised by the appellants and being convinced that Rule 4(e) of Tamil Nadu State and Subordinate Service Rules would not apply, has issued a direction, because there is a need of Mathematics Teachers.

3. In our considered view, the Writ Court could not have granted such a relief which is against the Rules and more so when, the writ petitioner did not take steps to join duty even after three years from the date of appointment. That apart, on account of non-joining, the appointment order dated 27.05.2011 itself should be cancelled, but it was not cancelled and the writ petition came to be filed thereafter that too only for a writ of Mandamus.

3. For the above reasons, the Writ Appeal is allowed and the order passed in W.P.(MD)No.4744 of 2011, dated 10.02.2014 is set aside. Consequently, the Writ Petition is dismissed. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government of Tamil Nadu,
School Education Department, Secretariat, Chennai.

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Sethubav Chattiram Union,
At Kuruvikarambai, Thanjavur District.

+ 1 cc TO Mr.K.Guhan , Advocate in SR No. 49259

+ 1 cc TO The Special Government Pleader in SR No. 49517

ls/akv

AE/KKR/SAR3/07.03.2018/3P/7C

W.A. (MD) No.596 of 2014
16.02.2018