



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2018

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A. (MD) No.1562 of 2018

and

CMP (MD) Nos.11114 and 11115 of 2018

S.Syed Mohemmed Enayadullah

.. Appellant

Vs.

1. The Tamil Nadu Public Service Commission,
rep.by its Secretary,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 03.

2. State of Tamil Nadu,
rep.by the Secretary,
Department of School Education,
Secretariat,
Chennai - 9.

3. The District Educational Officer,
Pudukottai District,
Pudukottai.

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act Writ Appeal against the order passed in W.P.(MD)No.16251 of 2012 dated 08.02.2018.

Prayer in WP(MD)No.16251 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to Issue a Writ of Mandamus directing the respondent No.1 to consider the petitioners appointment as a Junior Assistant in the department of respondent NO.2 at Pudhukotai District and consequently directing the respondent No.3 to permit the Petitioner to continue with the school namely Government High school, Gandhinagar, Pudukottai District as Junior Assistant, which comes under the control of the respondent No.3 till such decision and pass any further order or orders as this Hon'ble Court may deem fit and proper in the circumstance of the case and thus render justice.



For Appellant : Mr.T.Thirumurugan
For R1 : Mr.K.K.Senthil
For R2 & R3 : Mrs.S.Srimathi

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

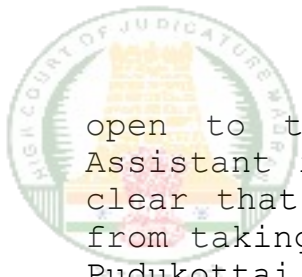
The writ petition filed by the appellant for issuance of a Writ of Mandamus directing the Tamil Nadu Public Service Commission to consider his appointment as a Junior Assistant in the Department of School Education and permit him to continue his employment with the Government High School, Gandhinagar was dismissed by the learned Single Judge. Feeling aggrieved, the appellant has come up with this intra-court appeal.

2.The appellant was initially appointed as a Junior Assistant in the Government High School, Gandhinagar, Pudukottai. It was a temporary appointment. The appellant appeared for the civil examination conducted by the Public Service Commission. The appellant was selected by the Commission and he was allotted to the judicial department. The Principal District Judge passed an order appointing the appellant as a Junior Assistant attached to the Principal District Munsif Court, Sankarankoil. The appellant failed to join and made an attempt to continue as a Junior Assistant at the Government High School, Gandhinagar. Since the request was not considered by the third respondent, the appellant has filed the writ petition for a direction to the authorities to permit him to continue as a Junior Assistant at the Government High School, Gandhinagar.

3.When it was put to the appellant as to how he can maintain the writ petition for a mandamus to continue his appointment as a Junior Assistant, inspite of his appointment on substantive basis at the Principal District Munsif Court, Sankarankoil, the appellant filed an affidavit, agreeing to join at the transferred place.

4.We therefore, directed the learned Standing Counsel for the Tamil Nadu Public Service Commission to take instructions as to whether the post is still available. The learned Standing Counsel submitted that the appointment has not been cancelled and it will be open to the appellant to join at the Principal District Munsif Court, Sankarankoil. The appellant also agreed to join as a Junior Assistant in the Principal District Munsif Court, Sankarankoil.

5.The appellant is stated to be taking treatment at National Institute of Siddha Ayothidoss Pandithar Hospital, Chennai. The appellant seeks four weeks time to join. The appellant must report before the Principal District Judge, Tirunelveli on 02 January, 2019. The Principal District Judge shall accept his joining. It is



open to the District Judge to post the appellant as a Junior Assistant in any of the Courts within his jurisdiction. We make it clear that this order would not stand in the way of the appellant from taking appropriate action for his retention in the District of Pudukottai.

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6.The writ appeal is disposed of with the above direction. No costs. Consequently, CMP(MD) Nos.11114 and 11115 of 2018 are closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 03.
2. The Secretary,
State of Tamil Nadu,
Department of School Education,
Secretariat, Chennai - 9.
3. The District Educational Officer,
Pudukottai District,
Pudukottai.

Copy To:-

The Principal District Judge,
Tirunelveli.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 100529
- + 1 CC TO Mr.T.THIRUMURUGAN, ADVOCATE IN SR No. 100133
- + 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 100399

MJ

TE/PM/SAR-4 : 26/12/2018 : 3P/8C

W.A. (MD) No.1562 of 2018
13.12.2018