



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **09.10.2018**
CORAM

THE HON'BLE MR. JUSTICE **M.M.SUNDRESH**
and
THE HON'BLE MR. JUSTICE **N.SATHISH KUMAR**
W.A. (MD)No.1157 of 2018
and
C.M.P.No.8657 of 2018

1.The District Elementary Educational Officer,
Tirunelveli - 627 001.

2.The Additional Assistant Elementary Educational Officer,
Manur at Tirunelveli - 627 001.

... Appellants/Respondents

Vs.

Paranthaman Hindu Primary School,
Through its Secretary,
U.Venkatesh S/o. Thiru.N.Uchimahali,
Rajampacheri, Gangaikondan,
P.O. - 627 352,
Tirunelveli District.

... Respondent/Writ Petitioner

Writ Appeal is preferred under Clause 15 of the Letters Patent against the order dated 11.11.2016 made in W.P.No.10583 of 2012.

Prayer in WP(MD)No. 10583 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 21.06.2012 passed in R.C.No.685 AA2/2012 by the second respondent and quash the same and direct the 2nd respondent to forward the proposal of the petitioner school dated 06.06.2012 to the 1st respondent for the approval of appointment of Selvi T.S. Thayammal, Secondary Grade Teacher appointed in the petitioner school and consequently direct the 1st respondent to approve the appointment of Selvi S.T. Thayammal, as Secondary Grade Teacher from the date of her appointment.

For Appellants : Mr.N.Shanmugaselvam
Additional Government Pleader

For Respondent : Mr.Niranjan S.Kumar

**JUDGMENT**

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

Heard Mr.N.Shanmugaselvam, learned Additional Government Pleader, appearing for the appellant and Mr.Niranjan S.Kumar, learned counsel appearing for the respondent.

2.Learned counsel appearing for the respondent would submit that the issue involved in this writ appeal is covered by the judgment of the Hon'ble Full Bench of this Court in **State of Tamil Nadu & 2 others v. S.S.Somasundaram & another [2008-3-L.W. 199]**, which says that prior approval is not required for filling the sanctioned post. It is further submitted that in any case the order passed by the learned Single Judge has been given effect without prejudice to the writ appeal.

3.As rightly submitted by the learned counsel for the appellant, the issue involved has already been dealt with by a Full Bench of this Court in **State of Tamil Nadu & 2 others v. S.S.Somasundaram & another [2008-3-L.W. 199]**. Further, there is compliance of the order of the learned Single Judge, though subject to this appeal. In such view of the matter this writ appeal is liable to be dismissed.

4.Accordingly, this Writ Appeal stands dismissed. Consequently, connected civil miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The District Elementary Educational Officer,
Tirunelveli - 627 001.

2.The Additional Assistant Elementary Educational Officer,
Manur at Tirunelveli - 627 001.

+1cc to Mr.Niranjan S.Kumar, Advocate Sr.No.89742

+1cc to Spl.Government Pleader Sr.No.90280

SJ

VB/PM/SAR3/20.11.2018/2P/5C

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