

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2019

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.835 of 2018

K.Sulochana,
W/o.R.Sivasankar,
No.51/1, Mela Veethi,
E.B.Colony,
Kilvelur,
Nagapattinam 611 104.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Secretariat, Fort St. George, Chennai 600 009.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

4.The Headmaster,
Government Higher Secondary School,
Kilvelur,
Nagapattinam District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to make payment of salary to the Petitioner in the post of B.T.Assistant (Social Science) in 4th Respondent School by regularizing the period from 01/08/2015 to 09/12/2015 as service period on re-employment based on the representation submitted by the Petitioner dated 15.12.2017, within a time frame.

For Petitioner :Mr.G.Sankaran

For Respondents :Mr.A.Rajaperumal
Additional Government Pleader

O R D E R

The relief sought for in this Writ Petition is for a direction to direct the respondents to make payment to the Petitioner in the post of B.T.Assistant (Social Science) in 4th Respondent School by regularizing the period from 01/08/2015 to 09/12/2015 as service period on re-employment, based on the representation submitted by the Petitioner dated 15.12.2017.

2.The Writ Petition is unnecessary, in view of the fact that the very same Writ Petitioner earlier filed Writ Petition in W.P.No.33293 of 2015 to quash the order of rejection dated 31.07.2015, rejecting the claim of the Writ Petitioner to grant extension of service till the end of the academic year and for consequential direction to allow the Writ Petitioner to continue in service in the post of B.T.Assistant on re-employment till the end of the academic year up to 31.05.2016 with all consequential and other attendant benefits.

3.When the Writ Petitioner himself prayed for consequential other attendant benefits, while challenging the order of rejection dated 31.07.2015, this Court is of the opinion that the present Writ Petition is not only unnecessary and filed without any separate cause of action. In view of the fact that cause of action had already been addressed in the earlier writ petition filed in W.P.No.33293 of 2015 and the issue raised in the present Writ Petition are to be adjudicated in the earlier Writ Petition filed by the Writ Petitioner. This being the factum now set out in the present Writ Petition, there is no new cause of action or issues raised in the present Writ Petition.

Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu,
The Principal Secretary to Government,
Secretariat, Fort St. George, Chennai 600 009.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

4.The Headmaster,
Government Higher Secondary School,
Kilvelur,
Nagapattinam District.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.9553
+lcc to the Government Pleader, S.R.No.10219

W.P.No.835 of 2018

rrs 28/02/2019



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