

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM :

The Hon'ble Mr.AMRESHWAR PRATAP SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4024 of 2019

and

C.M.P.No.25222 of 2019

- 1.The Joint Director of School Education,  
College Road, Chennai-600 006
- 2.The Chief Educational Officer,  
Udhagamandalam,  
The Nilgiri District.
- 3.The District Educational Officer,  
Kunnur-2, The Nilgiri District
- 4.The Headmaster,  
Government Higher Secondary School,  
Serambadi, The Nilgiri District ... Appellants

-vs-

M.Sivaraaj ... Respondent

Appeal filed under Clause 15 of the Letters Patent against the order dated 09/04/2019 made in WP. 27838 of 2014.

WP Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent dated 18.09.2014 in Na.Ka.No.0232/A3/2014 and quash the same and direct the second respondent to reinstate the petitioner in service with continuity of service and all the attendant benefits.

For Appellants

: Mr.C.Munusamy,  
Spl.G.P.

For Respondent

: Ms.G.Devi

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have heard Mr.Munusamy, learned Special Government

Pleader for the appellants and Ms.G.Devi, learned counsel for the respondent.

2.Having heard the learned Special Government Pleader for the appellants/State and having perused the Division Bench judgment in the case of S.John Richard Vijayan vs. The Director of School Education, Chennai and others (W.A.No.1292 of 2012), decided on 21.11.2014, we find that the issue raised is squarely covered by the said judgment. The learned Special Government Pleader for the appellants/State, however, submitted that a S.L.P. was filed against the said judgment, which, even though was dismissed, left the question of law open. The order of the Apex Court dated 19.03.2018 has been placed before us.

3.On the facts of the present case also we see no reason to take a different view, leaving the question of law open to be dealt with in any other appropriate proceedings, the Writ Appeal, is consigned to records. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Msk

TO

1.The Joint Director of School Education,  
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Chennai-600 006

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Kunnur-2,  
The Nilgiri District

4.The Headmaster,  
Government Higher Secondary School,  
Serambadi,  
The Nilgiri District

+1cc to the Government Pleader, S.R.No. 98409

W.A.No.4024 of 2019

BP(CO)  
GN(31/12/2019)