



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.2862 of 2018
and
C.M.P.No.27359 of 2018

K.Gunasundari

....Appellant

Vs

1. G.Rajeswari
 2. The Director of School Education,
Chennai - 600 006.
 3. The Chief Educational Officer,
Saidapet, Chennai - 600 015.
 4. The District Educational Officer,
Central Chennai, Saidapet,
Chennai - 600 015.
 5. The Correspondent,
Avvai Home T.V.R.Girls' Higher Secondary School,
41, Besant Avenue, Adyar,
Chennai - 600 020.
-Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order passed in W.P.No.26996 of 2013 dated 07.06.2018.

Prayer in W.P.No.26996 of 2013: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the order passed by the 4th respondent in his Proceedings No. Nil, dated 03.10.2012 and quash the same and direct the respondents to promote the petitioner as P.G. Assistant (Economics) and confer all the consequential benefits.



WEB COPY

For Appellant : Mr.G.Sankaran

For Respondents : Mr.R.Singaravelan, S.C.
For Mr.R.Ramanlal - R1

Mr.C.Munusamy, Spl.G.P. - R2 to R5

Mr.E.Jaya Sankar - R6

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

This intra Court appeal is directed against the order dated 07.06.2018 in W.P.No.26996 of 2013, whereby and where under the learned single Judge quashed the proceedings on the file of the 5th respondent and directed the Management to promote the first respondent as P.G. Assistant (Economics) with all consequential benefits.

2. The said order is under challenge at the instance of the appointee primarily on the ground that the first respondent was not eligible to the post of P.G. Assistant (Economics), she having obtained the Post Graduate Degree in Economics only few months prior to the cut off date.

3. The order dated 07.06.2018 in W.P.No.26996 of 2013 was independently challenged by the Management before the Division Bench in Writ Appeal W.A.No.1558 of 2018. The Division Bench was pleased to dispose of the appeal with a direction to the Management to consider the case of the first respondent herein for promotion to the post of P.G. Assistant (Economics) in accordance with law. There was a further direction to consider the claim taking into account her qualification and eligibility criteria.

4. We are now informed that pursuant to the order dated 26.07.2018 in W.A.No.1558 of 2018, the Management considered the claim of the first respondent herein and by order dated 24.09.2018 the claim was rejected.

5. Since the Division Bench has already disposed of the appeal filed by the Management, nothing survives for further adjudication at the instance of the unsuccessful teacher whose appointment was quashed by the learned single Judge. In fact, before granting interim stay, the Division Bench was pleased to consider the subsequent events and only thereafter notice was issued to the 5th respondent. In any case, on account of the subsequent events, viz., the judgment dated 26.07.2018 in W.A.No.1558 of 2018 and the subsequent order passed by the



Management, nothing survives for further adjudication in the present appeal. It is always open to the first respondent to challenge the order passed by the Management, in case she is so advised.

WEB COPY

6. The intra Court appeal is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

s1

To

1. The Director of School Education,
Chennai - 600 006.
2. The Chief Educational Officer,
Saidapet, Chennai - 600 015.
3. The District Educational Officer,
Central Chennai, Saidapet,
Chennai - 600 015.

+1 cc to Mr.G.Sankaran, Advocate, S.R.No.63217

+1 cc to Mr.R.Ramanlal, Advocate, S.R.No.63169

+1 cc to Mr.E.Jayasankar, Advocate, S.R.No.62997

+1 cc to the Government Pleader, S.R.No.63354

Writ Appeal No.2862 of 2018
and
C.M.P.No.27359 of 2018

VBA (CO)
SSM(10/09/2019)