



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No.336 of 2019

and

CMP (MD) No.2664 of 2019

M.Palanivel

: Appellant / Petitioner

Vs.

- 1.State of Tamilnadu,
Rep by the Secretary to Government,
School Education Department,
Secretariat, Chennai.
- 2.The Principal Account General (A&E),
No.361, Annasali, Chennai.
- 3.The Director of Elementary Education,
DPI Compound, College Road,
Chennai - 600 006.
- 4.The Chief Educational Officer,
Theni District.
- 5.The District Education Officer,
Uthamapalayam, Theni District.
- 6.The Block Education Officer,
Chinnamannur, Theni District.
- 7.Tha.Pe.Vai.Vellalar Uravinmurai
Gurukkal Middle School,
Through its Headmaster,
Chinnamannur, Theni District.

8.P.Selvanandam

: Respondents / Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 29.01.2019, made in W.P. (MD) No.1647 of 2019.

<https://hccourtsonline.gov.in/CaseDetails/> **Prayer in WP (MD). 1647/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of



Mandamus, directing the 5th respondent to pass appropriate order for not permitting the 8th respondent to retire from service on 31.05.2019 on superannuation as under Fr.56(1) C of Tamilnadu Government Fundamental Rules, in view of the pendency of the cases and enquiry contemplated for grave charge against him.

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For Appellant	: Mr.R.Suriyanarayanan
For R1 to R4&R6	: Mr.N.Shanmugaselvam
	Additional Government Pleader
For R-5	: Mrs.S.Srimathy
For R-7 & R-8	: Mr.M.C.Swamy

J U D G M E N T

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This writ appeal is directed against the order passed in W.P. (MD)No.1647 of 2019, dated 29.01.2019.

2.The appellant is the writ petitioner. He sought for Mandamus directing the fifth respondent not to permit the eighth respondent to retire from service on 31.05.2019 on superannuation, in view of the pendency of the case and enquiry contemplated for grave charge against him. The writ Court dismissed the writ petition by holding that the school is under direct payment and therefore it is for the authorities to decide as to whether action should be taken against the eighth respondent or not. Challenging the said order, the present writ appeal is filed. However, it is now stated before this Court that during the pendency of this writ appeal, the eighth respondent was allowed to retire from service on 31.05.2019 by the proceedings of the fifth respondent, dated 31.05.2019.

3.In view of the above stated facts and circumstances, we find that nothing survives in this writ petition to be adjudicated upon further on merits. Accordingly, this writ appeal is dismissed as infructuous, however leaving other issues left open to be agitated by the respective parties before the appropriate authority. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
State of Tamilnadu,
School Education Department,
Secretariat, Chennai.



2.The Principal Account General (A&E),
No.361, Annasali, Chennai.

3.The Director of Elementary Education,
DPI Compound, College Road,
Chennai - 600 006.

4.The Chief Educational Officer,
Theni District.

5.The District Education Officer,
Uthamapalayam, Theni District.

6.The Block Education Officer,
Chinnamannur, Theni District.

+1 CC to MR.R.SURIYANARAYANAN, Advocate (SR-75802[F] dated
17/07/2019)

+1 CC to MR.G.RAJARAMAN, Advocate (SR-75922[F] dated 18/07/2019)

+1 CC to SPL GP., SR-76025,76268

W.A. (MD) No.336 of 2019
17.07.2019

RJ2

_MK (25.07.2019) 3P 10C