



WEB COPY

W.A.(MD)No.829 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.829 of 2019

T.Antony Leema Rose,
Secondary Grade Teacher,
St.Anne's Primary School,
Thattarmadam,
Sattankulam Taluk,
Tuticorin District.

... Appellant/Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-600 006.
- 3.The District Educational Officer,
Tuticorin, Tuticorin District,
(previously called as District Elementary
Educational Officer).
- 4.The Block Educational Officer,
Sathankulam,
Tuticorin District.
(previously called as Additional Assistant
Elementary Educational Officer).
- 5.The Correspondent,
St.Anne's Primary School,
Thattarmada,
Sattankulam Taluk,
Tuticorin District.

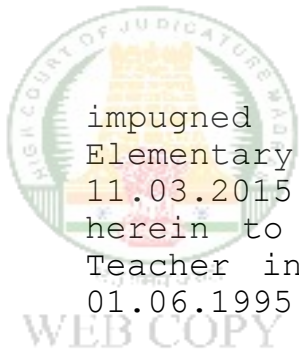
..Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 03.07.2019 made in W.P.(MD)No.7393 of 2015 on the file of this Court and allow this writ appeal.

Prayer in WP(MD) . 7393/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for teh records relating to teh

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impugned proceedings issued by the 3rd respondent District Elementary Educational Officer in O. Mu. No. 309/ A2/2015 dated 11.03.2015 Quash the same, and further Direct the 3rd respondent herein to approve the petitioners appointment as Secondary grade Teacher in the 5th Respondent school w.e.f 01.06.1994 instead of 01.06.1995 with arrears of salary and other attendant benefits.

For Appellant : Mr.A.Ajith Geethan
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

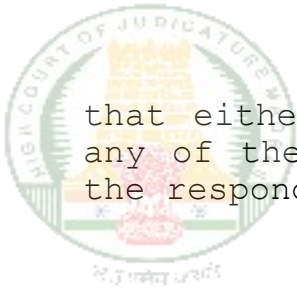
JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.Ajith Geethan, learned counsel appearing for the appellant and Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents.

2. This appeal is directed against the order in W.P.(MD) No.7393 of 2015. The question is whether the appellant's appointment as Secondary Grade Teacher to be approved with effect from 01.06.1994. Admittedly, the appellant's appointment has been approved with effect from 01.06.1995. The appellant seeks to take advantage or umbrage under G.O.Ms.No.297, School Education Department, dated 05.08.1998. The benefit of the said Government Order was not extended to the appellant. Hence, the appellant approached this Court earlier and filed a writ petition and obtained an interim order as done by other institutions. The Block Educational Officer, Sathankulam, Thoothukudi District, had filed counter affidavit in the writ petition stating that the appellant was not a party to any case nor the Management was a party to any case and therefore, the benefit of regularization with effect from 01.06.1994 cannot be extended. The learned counsel appearing for the appellant strenuously contended that there is no dispute as regards the appointment of the appellant with effect from 31.05.1995 and there are communications, where, there is the reference to writ petition numbers.

3. However, what is required is that the appellant should produce proof to show that either he or the fifth respondent were parties to any writ petition, where interim orders were granted. Even in those writ petitions, the respondents under the threat of contempt, had approved the appointment. Therefore, we are of the considered view that the benefit of approval of his appointment with effect from 01.06.1994 cannot be granted, as there is no document produced by the appellant to justify the stand that the interim order passed in other cases is applicable to the appellant or the fifth respondent institution. Based on the above reason, we do not find any ground to entertain this writ appeal. Accordingly, the same is dismissed. However, if the appellant is able to establish



that either he or the fifth respondent institution was a party to any of the writ petition, it is open to the appellant to approach the respondent department. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-600 006.
- 3.The District Educational Officer,
Tuticorin, Tuticorin District,
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