

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD)No.5559 of 2014****and****M.P. (MD)No.1 of 2014**

M.Ando Rita Fernando

... Petitioner

-Vs-

1. The Chief Educational Officer,
Kanyakumari District, Nagercoil.
2. The District Educational Officer,
Thuckalay, Kanyakumari District.
3. The Correspondent,
The Providential Higher Secondary School,
Reethapuram and Post,
Kanyakumari District.

4.Mary Prabha

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to absorb the petitioner in the post of B.T. Assistant Zoology on the retired permanent vacancy of Jasintha Mary and consequently, direct the first respondent to issue sanction for the change of the petitioner's Secondary Grade Teacher post to graduate assistant in the light of the G.O.Ms.No.144, Department of School Education, dated 04.07.2008.

For Petitioner	: Mr.A.Rajakumar Sen
For R1 and R2	: Mrs.S.Srimathy, Special Government Pleader.
For R3	: Mr.S.Anwar Sameem
For R4	: No Appearance

ORDER

The relief sought for in the present Writ Petition is to direct the third respondent to absorb the writ petitioner in the post of B.T. Assistant (zoology) on the retired permanent vacancy



of Jasinth Mary and consequently, direct the first respondent to issue sanction for the change of the petitioner's Secondary Grade Teacher post to Graduate Assistant in the light of G.O.Ms.No.144, Department of School Education, dated 04.07.2008.

2.The learned counsel appearing on behalf of the third respondent school made a submission that during the pendency of the Writ Petition, the writ petitioner had attained the age of superannuation and allowed to retire from service on 31.05.2015. Subsequent to the retirement, all the retirement benefits and monetary benefits due to the writ petitioner have also been settled. This apart, the writ petitioner is now receiving monthly pension regularly.

3.This being the factum of the case, further adjudication in respect of the appointment of the writ petitioner to the post of Graduate Assistant or B.T. Assistant, deserves no merit consideration and accordingly, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chief Educational Officer,
Kanyakumari District, Nagercoil.

2. The District Educational Officer,
Thuckalay, Kanyakumari District.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-76351[F] dated 19/07/2019)

+1 CC to M/s.V.JOHN KENNEDY, Advocate (SR-76209[F] dated 19/07/2019)

W.P (MD) No.5559 of 2014
and
M.P. (MD) No.1 of 2014
18.07.2019