



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.11.2019

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1222 of 2019

and

CMP (MD)No.10511 of 2019

Against

WP (MD) .No.5401 of 2015

- 1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Tuticorin - 628 003,
Tuticorin District.
- 4.The District Educational Officer,
Tuticorin at Pudukkottai,
Tuticorin District.

... Appellants/Respondents

Vs.

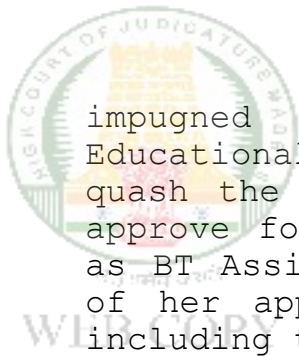
R.Emerson Udaisingh
Manager & Correspondent,
C.M.High School,
T.R.naidu Street,
Tuticorin, Tuticorin District.

... Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.5401 of 2019, dated 07.03.2019.

Prayer in WP(MD). 5401 of 2019 :

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



impugned proceedings issued by the 4th respondent District Educational Officer in O.Mu.No. 6681/ Aa1/2018 dated 25.02.2019 quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of Tmt.B.Antony Mercy Maria Hemi as BT Assistant(Science) in the petitioner school w.e.f., the date of her appointment viz., 02.07.2018, with all attendant benefits including the arrears of salary and allowance.

For Appellants : Ms.S.Srimathi
Spl.Govt.Pleader

For Respondent : Mr.K.Ragatheesh Kumar
For M/s.Isaac Chambers

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Ms.S.Srimathi, learned Special Government Pleader for the appellants and Mr.K.Ragatheesh Kumar, learned counsel for the respondent.

2. This appeal by the State is directed against order passed by the learned Single Bench of this Court in W.P.(MD).No.5401 of 2019, dated 07.03.2019.

3. The respondent herein filed a writ petition praying for issuance of a Writ of Certiorarified Mandamus, to quash the order passed by the 4th appellant / 4th respondent, dated 25.02.2019 and to direct the appellants 3 and 4 to approve the appointment of one B.Antony Mercy Maria Hemi as B.T.Assistant in Science, with effect from the date of her appointment. The learned Single Bench allowed the Writ Petition by following the decision of this Court in **Manager and Correspondent, Carpenter Street Middle School, Gopalsamy Street, Tuticorin, Tuticorin District - 628 001 Vs. The State of Tamil Nadu, rep.by its Secretary, Department of School Education, Fort St. George, Chennai - 600 009 [W.P(MD)No.12876 of 2017, decided on 12.07.2017]**.

4. It is submitted by the learned counsel for the respondent / writ petitioner that the said order passed in **Carpenter Street Middle School's case** (cited supra) has been implemented and the appointment of the teacher concerned has been approved.

5. We have also considered a similar issue in W.A(MD)No.859 of 2019 filed by the Government, which was dismissed, by the Judgment dated 26.09.2019.

6. In the light of the above, we find no error in the order passed by the learned Single Bench. Accordingly, the Writ Appeal



stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar (CS)

MPK

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Tuticorin - 628 003,
Tuticorin District.
- 4.The District Educational Officer,
Tuticorin at Pudukkottai,
Tuticorin District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-99113[F] dated 18/11/2019

W.A. (MD)No.1222 of 2019

15.11.2019

JMN(05.12.2019) 3P : 6C