

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.06.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.1103 of 2013**

K.Thangaraj

... Petitioner

-Vs-

1.The State represented by its
Secretary,
School Education Department,
Secretariat, Chennai-009.

2.The Director,
School Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
School Education Department,
Tiruchirappalli.

4.The District Educational Officer,
Tiruchirappalli.

5.The Secretary,
Boiler Plant Girls Higher Secondary School,
Kailasapuram, Trichy.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent pertaining to the order passed by him vide his proceedings in O.Mu.No.62173/A5/E2/2011 dated 18.08.2011 and quash the same as illegal and consequently, directing the respondents 1 to 4 to appoint the petitioner to the post of Office Assistant on transfer in view of the selection list dated 26.06.2007 and regularise the petitioner's service based on that.

For Petitioner : Mr.M.Siddharthan
For R1 to R4 : Mrs.S.Srimathy,
Special Government Pleader.
For R5 : Mr.M.Mariappan

ORDER

The order impugned dated 18.08.2011 states that the writ petitioner was not in service for more than one year, at the time of issuance of the order by the Government for considering the names for appointment.



2.This apart, the learned Special Government Pleader appearing on behalf of the respondents 1 to 4 brought to the notice of this Court that the 5th respondent school had not submitted any application or service details of the writ petitioner, so as to consider the petitioner's name for appointment.

3.The learned counsel appearing on behalf of the 5th respondent school also states that the writ petitioner was not in service during the relevant point of time, when the Government passed an order for grant of appointment.

4.In view of the fact that the writ petitioner was not at all in service, the case of the writ petitioner was not considered. This being the factum, at this length of time, the case of the writ petitioner cannot be considered. This apart, even at the time of filing of this Writ Petition, the writ petitioner was aged about 52 years and now, he would be around 58 years.

5.The learned Special Government Pleader brought to the notice of this Court that the writ petitioner had joined in BHEL Corporation, Government of India undertaking and thereafter, retired from service, after serving in BHEL.

6.This being the factum, no further consideration is required in the present Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Secretary,
School Education Department,
Secretariat, Chennai-009.
- 2.The Director,
School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
School Education Department,
Tiruchirappalli.



4.The District Educational Officer,
Tiruchirappalli.

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+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 71257

W.P (MD) No.1103 of 2013

dks (CO)

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