

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

C O R A M

THE HONOURABLE MR.JUSTICE P. VELMURUGAN

W.P.No.33533 of 2004
and W.P.M.P.No.40526 of 2004
and W.V.M.P.No.1967 of 2005

A.Nesaraj,
S/o.S.Abel

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep.by its Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
4. The District Educational Officer,
Thucklay and Post, Kanyakumari District.
5. The Correspondent,
LMS Higher Secondary School,
Kadamalaikundru,
Mekamandapam Post, Kanyakumari District. ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Declaration, declaring that the G.O.Ms.No.125 School Education (X2) Department, dated 12.11.2003 and the consequential G.O.Ms.No.4, School Education (X2) Department, dated 19.01.2004 are not applicable to the vacancies prior to 01.06.2003 and the appointments made prior to 01.06.2003 and consequently direct the respondents to pay B.T.Assistant (Science) Scale of pay to the petitioner from 02.08.2000 with all other benefits after adjusting an amount of Rs.4,000/- p.m., being paid from 19.01.2004.

For Petitioners : Mr.S.Vinnavasi
for K.Vijayakumar

For Respondents : Mr.P.Raja
Government Advocate [RR1 to 4]
No Appearance [for R5]

O R D E R

This petition has been filed by the petitioner seeking to declare the G.O.Ms.No.125 School Education (X2) Department, dated 12.11.2003 and the consequential G.O.Ms.No.4, School Education (X2) Department, dated 19.01.2004 are not applicable to the vacancies prior to 01.06.2003 and the respondents made prior to 01.06.2003 and consequently direct the respondents to pay B.T.Assistant (Science) Scale of pay to the petitioner from 02.08.2000 with all other benefits after adjusting an amount of Rs.4,000/- p.m., being paid from 19.01.2004.

2. The learned counsel for the petitioner submitted that the petitioner was died in the year 2013 and there was no instructions from the legal heirs of the petitioner.

3. Learned Government Advocate submitted that in the year 2013 itself the relief was granted to the petitioner and nothing survives for further adjudication. Therefore, the legal heirs are not interested to file substitute petition and proceed the case further and the relief sought for in the writ petition has been granted to the petitioner.

4. In view of the submissions made by the learned counsel on both side, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

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Sub Assistant Registrar

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To

1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.

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

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

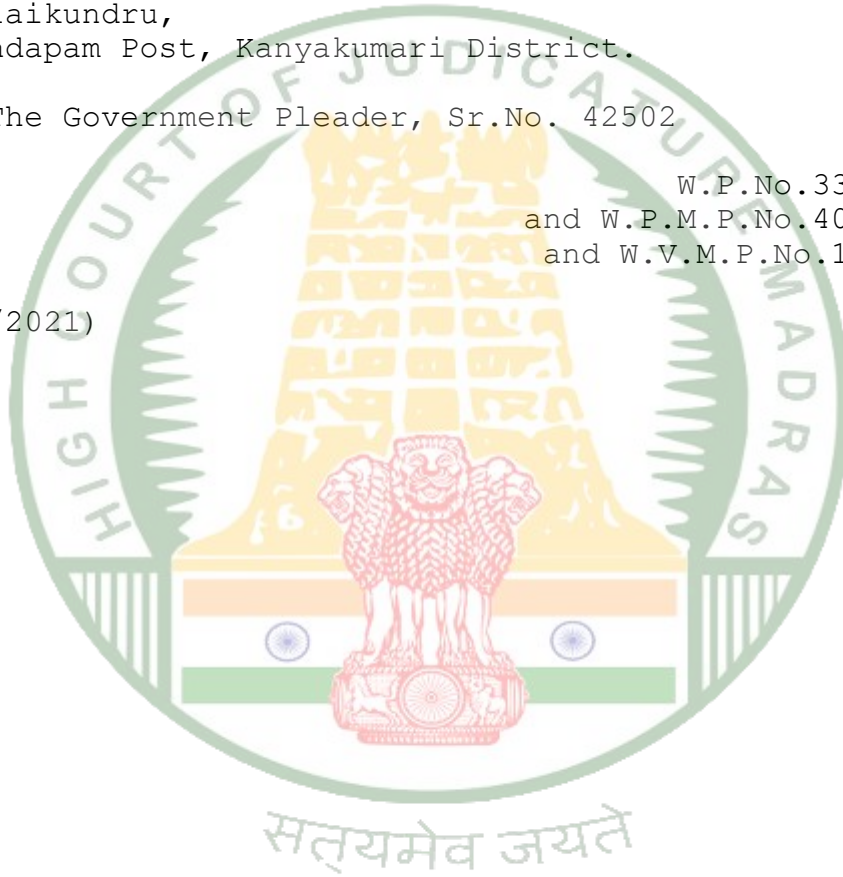
4.The District Educational Officer,
Thucklay and Post, Kanyakumari District.

5.The Correspondent,
LMS Higher Secondary School,
Kadamalaikundru,
Mekamandapam Post, Kanyakumari District.

+1 cc to The Government Pleader, Sr.No. 42502

W.P.No.33533 of 2004
and W.P.M.P.No.40526 of 2004
and W.V.M.P.No.1967 of 2005

UM(CO)
RMP(20/01/2021)



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