



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 23.09.2020**

**CORAM:**

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR**

**W.P.(MD)No.12349 of 2020**

K.Pandiarajan

... Petitioner

-Vs-

1. The Director of School Education,  
O/o the Director of School Education,  
DPI Campus,  
Chennai - 6
2. The Joint Director of School  
Education (Personnel),  
O/o the Joint Director of  
School Education (Personnel),  
DPI Campus, Chennai 600 006
3. The Chief Educational Officer,  
O/o the Chief Educational Officer,  
Sivagangai,  
Sivagangai District.
4. The District Educational Officer,  
O/o the District Educational Officer,  
Tirupathur,  
Sivagangai District.
- 5) The Secretary,  
Sri Thandayuthapani High School,  
Kandaramanickam,  
Sivagangai District.

...Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent no.3 to dispose of the appeal preferred by the petitioner dated 02.09.2020 within the time period stipulated by this Court.

|                |                                                 |
|----------------|-------------------------------------------------|
| For Petitioner | : Mr.T.Lajapathi Roy                            |
| For RR 1 to 4  | : Mrs.S.Srimathy,<br>Special Government Pleader |



**O R D E R**

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to direct the third respondent to dispose of the appeal preferred by the petitioner, dated 02.09.2020.

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2. The petitioner was originally appointed as 'Gardener' and thereafter, promoted as 'Laboratory Attendar' at Sri Thandayuthapani High School, Kandaramanickam, Sivagangai District, which is a Government aided School, since 03.10.1991.

3. The post of 'Laboratory Attenders' had been redesignated as 'Laboratory Assistants', pursuant to the G.O.Ms.No.537, dated 29.06.1994.

4. Though the post of 'Laboratory Attendar' was redesignated as 'Laboratory Assistant', the grievance of the petitioner is that, the petitioner was not provided with the revised pay benefit. Therefore, in this regard, the petitioner seems to have made a request to the respondents i.e., fourth respondent to revise the pay benefits. However, the same was rejected by the order passed by the fourth respondent, dated 20.05.2019.

5. Aggrieved over the same, the petitioner preferred an appeal to the third respondent on 02.09.2020 and the said appeal is pending with the third respondent. Therefore, if a direction by way of Mandamus is issued to the third respondent to decide the appeal filed by the petitioner, dated 02.09.2020 on merits and in accordance with law, the petitioner would be satisfied, was contended by the learned counsel appearing for the petitioner.

6. Heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents, who would submit that, the petitioner had already filed a writ petition in W.P.(MD) No.20949 of 2019 before this Court, and the said writ petition is still pending. Since during the pendency of the writ petition, whether the petitioner can seek for the early disposal of the appeal, dated 02.09.2020 is the question. Therefore, because of the pendency, it may be difficult for the third respondent to decide the appeal at an early date.

7. However, Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner in reply to the said contention raised by the learned Special Government Pleader, would submit that, as averred by the petitioner at paragraph no.11 of the affidavit, filed in support of the writ petition, the petitioner has already instructed the counsel to withdraw the said writ petition. Therefore, within a few days, the said writ petition would be withdrawn and a copy of the order getting dismissal on withdrawal would also be submitted to the third respondent and on receipt of the same, let the third respondent



decide the appeal at the earliest i.e., within a outer time limit that may be stipulated by this Court.

8. I have considered the said submission made by the learned counsel appearing for the petitioner as well as learned Special Government Pleader appearing for the respondents and I have perused the materials placed before this Court.

9. Considering the aforesaid, this Court is inclined to dispose of this writ petition with the following orders:-

"that the third respondent is hereby directed to consider the appeal filed by the petitioner, dated 02.09.2020 on merits and in accordance with law and dispose the same by passing final orders thereon within a period of two months from the date, a copy of the order getting dismissal as withdrawn of W.P.(MD) No.20949 of 2019 filed by the petitioner, is produced by the petitioner, to the third respondent."

10. With these directions, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

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O/o the Director of School Education,  
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O/o the Joint Director of  
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O/o the Chief Educational Officer,  
Sivagangai,  
Sivagangai District.



4. The District Educational Officer,  
O/o the District Educational Officer,  
Tirupathur,  
Sivagangai District.

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+1cc to the SPL GP SR.NO.18080.

Order made in  
**W.P. (MD) No.12349 of 2020**  
Dated:  
**23.09.2020**

TP (CO)  
CS (07.01.2021) 4P 6C