



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**W.A. (MD)No.1074 of 2016**

**and C.M.P. (MD)No.6490 of 2016**

**Against**

**CMP(MD) No.1 of 2013 in WP(MD).No.9808 of 2013**

1. The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of School Education,  
Fort St. George,  
Chennai - 9.
2. The Director of Secondary Education,  
College Road,  
Chennai - 6.
3. The District Secondary Education Officer,  
Sivagangai District,  
Sivagangai ... Appellant/Respondents/Respondents

versus

The Secretary,  
Swami Vivekananda High School,  
Weekly Market Road,  
Sivagangai Taluk,  
Sivagangai District. ... Respondent

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 19.06.2013, passed in M.P.(MD)No.1 of 2013 in W.P. (MD)No.9808 of 2013.

Prayer in MP(MD).No.1 of 2013:

Petition filed under Article 226 of the Constitution of India, praying that therein and in the affidavit filed therewith the High Court will be pleased to direct the third respondent to grant provisional approval to the appointment of Mr.A.Sudakar, as B.T.Assistant in Tamil in the petitioner's school with effect from his date of appointment on 10/10/2020 with all attendant benefits within a reasonable time as may be prescribed by this Court on condition that the petitioner should pass the TET examination within 5 years from the date of appoinement pending disposal of the above writ petition.

Prayer in WP(MD). 9808/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioraraified Mandamuss calling for the records relating to the impugned order of third respondent vide proceedings O.Mu.No. 206/A2/2012 dated 14/02/2013 and quash the same and consequently direct the third respondent to grant provisional approval to the appointment of Mr.A.Sudakar, as B.T. Assistant in Tamil in the petitioner's school with effect from lhis date of appointment on 10/10/2012 with all attendant benefits within a reasonable time as may be prescribed by this Court on condition that the petitioner should pass the TET examination within 5 years from the date of appointment.

|                |   |                                                    |
|----------------|---|----------------------------------------------------|
| For Appellants | : | Mr.M.Muthugeethaiyan<br>Special Government Pleader |
| For Respondent | : | Mr.S.Srinivasa Ragavan<br>No Appearance            |

### JUDGMENT

[Judgment of this Court was delivered by **N.KIRUBAKARAN, J.**]

This Writ Appeal is filed as against the order of the learned Single Judge, passed in M.P.(MD)No.1 of 2013 in W.P.(MD)No.9808 of 2013 on 19.06.2013.

2. Since the main writ petition itself has been disposed of on 31.03.2016, the prayer sought for in the writ appeal has become infructuous.

3. Accordingly, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Secretary,  
Swami Vivekananda High School,  
Weekly Market Road,  
Sivagangai Taluk,  
Sivagangai District.

Copy to

1. The Secretary,  
Department of School Education,  
Fort St. George,  
Chennai - 9.
2. The Director of Secondary Education,  
College Road,  
Chennai - 6.
3. The District Secondary Education Officer,  
Sivagangai District,  
Sivagangai.

+1 CC to M/s.SPL GP ( SR-23865[F] dated 03/12/2020 )

W.A. (MD)No.1074 of 2016  
01.12.2020

KMV(CO)  
KB(15.12.2020) 3P 6C