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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.A.NO.2085 OF 2021 AND
C.M.P. NO. 13188 OF 2021

1. State of Tamil Nadu,
Rep. by its Secretary
Department of School Education,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.
3. The Joint Director (Higher Secondary)
DPI Campus,
College Road,
Chennai - 60 006.

.... Appellants

-vs-

G. Arockiam

..... Respondent

Prayer:

Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 29.11.2019 passed in W.P.No.33437 of 2019 on the file of this Court and allow the Writ Appeal.

Prayer in W.P.No.33437 of 2019:

Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to Calling for the records of the Second Respondent in NA.KA.NO 21319/W1/E1/2019 dated 03.09.2019 and quash the same and consquently direct the Respondents to include the name of the Pettitioner in the Panel for the Promotion to the post of Higher Secodanary School headmaster pursuant to the Proceedings of the



Second respondent herein in NA.KA.NO.3720/W1/31/2019 dated 16.11.2019 by reckoning the initial date of appointment and rank assigned by Teachers Recruitment board for the recruitment year 2003-2004 by following G.O.MS.NO 120 dated 18.7.2006 and the Judgment of this Honble court WP.4991/2015.

For Appellant : Mr.K. Tippusultan
Government Advocate.
For Respondent : M/S. Dakshayani Reddy.

J U D G M E N T
(JUDGMENT OF THE COURT WAS MADE BY S.VAIDYANATHAN, J)

This Appeal has been preferred against the order of the learned Single Judge dated 29.11.2019 passed in W.P.No.33437 of 2019, by which the First Appellant was directed to regularize the services of the Respondent herein from the date of entry into service for the purpose of seniority and extend the monetary benefits flowing thereof, if any, within a period two months from the date of receipt of the said order.

2. When the matter is taken up for hearing, it is brought to the notice of this Court by the learned Government Advocate appearing for the Appellants that this Writ Appeal is covered by the Judgment of this Court in Rev.Appln.No.60 of 2020 dated 17.08.2021. The operative portion of the said order is extracted hereunder:

"34. It is also brought to the notice of this Court that in view of the pendency of the writ petitions, writ appeals and the review application, the promotion panel, which was drawn on 16.11.2019 is kept pending without any progress.

35. The First Bench, also had passed a reasoned order on 01.09.2020 to admit the review application. In view of the discussions made hereinabove, the Review petition No.60 of 2020 and W.A.No.723 of 2020 filed by the third parties, whose rights are affected by the said order, are allowed and consequently, the order dated 13.01.2020 passed in W.A.No.3904 of 2019 is recalled. As a natural corollary, the order passed by the writ



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Court dated 30.07.2019 in W.P.No.4991 of 2015 is set aside and the writ petition is dismissed.

36. In view of the orders passed by us in the instant review petition, the writ appeals filed by the Government in W.A.Nos.245, 246 and 462 of 2020 are also allowed and the respective orders passed by the learned Single Judges, which were impugned therein, are also set aside and those writ petitions are dismissed.

37. It is also made clear that any order passed by this Court placing reliance on the judgment dated 13.01.2020 in W.A.No.3904 of 2019 and the order dated 30.07.2019 in W.P.No.4991 of 2015 cannot be given effect to, in view of the order passed in the review petition recalling the order dated 13.01.2020.

38. There shall be no order as to costs. The connected miscellaneous petitions are closed."

3. Following the aforesaid Judgement, the order of the learned Single Judge is interfered with and this Writ Appeal is allowed in terms of the Judgment dated 17.08.2021 in Rev.Appln. No.60 of 2020. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr/shk

To

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



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

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3. The Joint Director (Higher Secondary)
DPI Campus,
College Road,
Chennai - 60 006.

+1cc to the Government Pleader, S.R.No.48552

W.A.No.2085 of 2021

SPD(CO)
PM/26/11/2021