



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM :

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

Writ Appeal No.2340 of 2021

M.Krishnamurthy

...Appellant

vs.

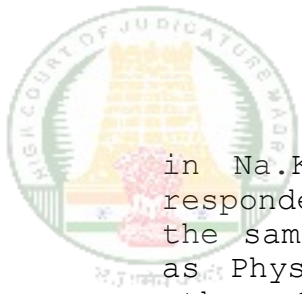
1. The Director of School Education,
DPI Building, No.17, College Road,
Nungambakkam,
Chennai 600 006.
2. The Chief Educational Officer,
Good Shed Road Teachers Home,
Udagamandalam,
The Nilgiris District 643 001.
3. The District Education Officer,
O.Valley Road,
Gudalur 643 212.
4. The Headmaster,
Government High School,
Attikunna Post,
Uppatty (via) Pandalur Taluk,
The Nilgiris 643 241.

...Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 04.03.2020 passed by this Court in W.M.P.No.4736 of 2020 in W.P.No.4988 of 2007.

Prayer in W.M.P.No.4736 of 2020 : Petition U/A 226 of the constitution of India praying that in the circumstances state there in and the affidavit filed therewith High Court may be pleased to condone the delay of 182 days in filing.

Prayer in W.P.No.4988 of 2007 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the order of the 2nd respndent dated 28.11.2001 made



in Na.Ka.No4049/A2/99 and the consequential order of the 4th respondent dated 29.11.2001 made in Na.Ka.No.361/2001 and quash the same and direct the respondents to reinstate the petitioner as Physical Education Teacher in 4th respondent school or any other Government High School with retrospective effect from 29.11.2001 with all consequential and monetary benefits and continuity of service.

For Appellant : Ms.Y.Kavitha

For Respondents : Mr.K.Tippu Sulthan,
Government Advocate

J U D G M E N T

(Judgment of the Court delivered by S.VAIDYANATHAN, J.)

Aggrieved by the dismissal of the condone delay Petition vide order dated 04.03.2020 by the learned Single Judge in W.M.P.No.4736 of 2020 in W.P.No.4988 of 2007, the Writ Petitioner has come up with this Writ Appeal.

2. The Appellant was initially appointed by the 2nd Respondent herein vide order dated 01.02.1989 as Physical Education Teacher at Nellakottai Government High School. The only grievance of the Appellant is that, G.O.No.534, dated 13.10.1989 cannot be made applicable to him, as he was appointed much prior to the said Government Order after scrutiny of documents and that, the said Government Order did not have any retrospective effect.

3. Learned counsel for the Appellant submitted that, based on G.O.No.534, dated 13.10.1989, appointments made earlier are sought to be disturbed. According to him, the said Government Order, at the most, may only be prospective and not retrospective and that, appointments made prior to the said Government Order cannot be disturbed.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. We are not inclined to render any finding on the submissions of the learned counsel for the Appellant, as, the issue has to be addressed by the parties concerned only before the learned Single Judge.

6. The learned Single Judge, who is hearing the Writ Petition, is requested to give priority to the matter, as the Original Application filed by the Writ Petitioner is of the year 2001 and two decades have gone by now. Hence, the dismissal order dated 04.03.2020 passed by this Court in W.M.P.No.4736 of



2020 in W.P.No.4988 of 2007 is set aside, on condition that, the Appellant pays a sum of Rs.5,000/- (Rupees Five Thousand only) in favour of the Cancer Institute, Canal Bank Road, Gandhi Nagar, Adyar, Chennai, within a period of one month from the date of receipt of a copy of this order, and the learned Single Judge is requested to decide the Writ Petition and pass final orders.

The Writ Appeal is allowed with the above direction. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

(vm/aeb)

To:

1. The Director of School Education,
DPI Building, No.17, College Road,
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4. The Headmaster,
Government High School,
Attikunna Post,Uppatty (via) Pandalur Taluk,
The Nilgiris 643 241.
5. The Cancer Institute,
Canal Bank Road,
Gandhi Nagar, Adyar,
Chennai.

+1cc to Mr.Kavith, Advocate, S.R.No.47121
+1cc to the Government Pleader, S.R.No.47859

W.A.No.2340 of 2021

MG(CO)
RGA(20/10/2021)