



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM :

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

Writ Appeal No.2311 of 2021
Against
W.P.No.34407 of 2019

1. The Director of School Education,
College Road, Nungambakkam,
Chennai 600 006.
 2. The Chief Educational Officer,
Erode 636 101.
 3. The District Educational Officer,
Pollachi.
- ...Appellants/Respondents

vs.

R.Thangavel ...Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 03.02.2020 passed by this Court in W.P.No.34407 of 2019.

Prayer in W.P.No.34407 of 2019 : To issue a writ of Mandamus, Directing the 2nd Respondent to declare forthwith the completion of the Petitioners probation in the cadre of Physical Education Teacher considering the inordinate delay caused for more than 10 years from the date of selection and appointment in the light of the evaluation of the crucial Karnataka Physical Education Course Certificate by the 1st Respondent completion of the Tamil Written and viva voce tests and the publishing of the same in the Tamil Nadu Government Gazette the evaluation of the petitioners S.S.L.C and plus 2 certificates too by the 3rd Respondent apart from re-fixing the petitioners seniority in the light of his selection not only on merits but also on communal reservation giving 15th ranking out of 25 members Selection List Dated 09.06.2008 besides refixing the petitioners Pay-Scale on par with on par with his batch mates disbursing the difference of his pay, increments and all allowances from june 2008.



For Appellants : Mr.K.V.Sajeew Kumar,
Government Advocate

J U D G M E N T

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

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The present Writ Appeal has been preferred, challenging the order dated 03.02.2020 passed by the learned Single Judge in W.P.No.34407 of 2019.

2. Heard the learned Government Advocate appearing for the Appellants and perused the material documents available on record.

3. Prima facie, we are of the view that, the order of the learned Single Judge is perfectly valid and that, the Government cannot keep the damocles sword hanging on the Respondent.

4. It is represented by the learned Government Advocate for the Appellants that, G.O.Ms.No.534, dated 13.10.1988 was not brought notice to the attention of the learned Single Judge and that, in terms of the said Government Order, candidates must secure 35% marks in each subject. It is seen that, the Writ Petitioner has secured 33% in Mathematics and 30% in Science and Karnataka Secondary Education Examination Board has declared that, the Writ Petitioner has passed SSLC Examination conducted in the year 1989.

5. In view of the above, we cannot preclude the Appellants from filing a Review Petition and we cannot direct the learned Single Judge to entertain the same and, it is for the learned Single Judge to decide, based on the plea that may be taken by the parties including the issue of maintainability.

Hence, this Writ Appeal is dismissed. No costs. Consequently, connected C.M.P.No.14673 of 2021 is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

(vm/aeb)



To

1. The Director of School Education,
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Nungambakkam,
Chennai - 600 006.

2. The Chief Educational Officer,
Erode - 636 101.

3. The District Educational Officer,
Pollachi.

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AJS (CO)
RGA (30/09/2021)