



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1264 of 2021

and

CMP (MD) .No.5296 of 2021

WEB COPY

The Headmaster,
Arulmigu Senthilandavar Government
Boys Higher Secondary School,
Tiruchendur,
Thoothukudi District. ... Appellant/5th Respondent

Vs.

1. I.Nagarajan ... 1st Respondent/Writ Petitioner

2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

3. The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Nungambakkam,
Chennai - 600 006.

4. The Joint Director of School Education (Vocational),
O/o. the Director of School Education,
DPI Campus, Nungambakkam,
Chennai - 600 006.

5. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Thoothukudi, Thoothukudi District.

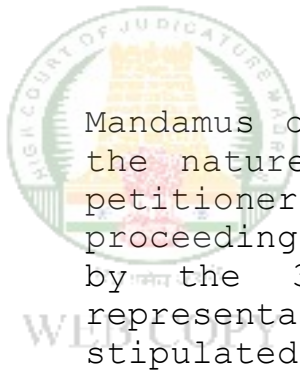
... Respondents/Respondents 1 to 4

Prayer: Writ Appeal filed under Clause 15 of Letters Patent,
against the order of this Court made in W.P.(MD) No.2103 of 2021,
dated 08.02.2021.

Prayer in WP(MD). 2103/ 2021 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court S-6. To issue a writ of

<https://hcservices.ecourts.gov.in/hcservices/>



Mandamus or any other appropriate writ or order or direction in the nature of writ to direct the respondents to regularize the petitioners service as Vocational Instruct in pursuance to the proceedings in Na.Ka.No.13758/Vil/E1/2013 dated 13-01-2020 issued by the 3rd Respondent and by considering the petitioners representation dated 12-12-2020 within the period they may be stipulated by this Honourable Court.

For Appellant : Mr.S.Louis

For Respondents : Mr.R.Baskaran
Standing Counsel for Government
for R2 to R5

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Louis, learned counsel appearing for the appellant and Mr.R.Baskaran, learned Government Counsel appearing for the respondents 2 to 5.

2. This appeal filed by the Headmaster of Arulmigu Senthilandavar Government Boys Higher Secondary School, Tiruchendur, is directed against the order dated 08.02.2021 in W.P (MD).No.2103 of 2021.

3. The first respondent-writ petitioner sought for a direction to the appellant-Management as well as the official respondents to regularise his services as Vocational Teacher, pursuant to the proceedings of the fourth respondent herein, dated 13.01.2020, by considering his representation dated 12.12.2020. The writ petition was disposed of by directing the Authorities to consider the representation without notice to the appellant, who was impleaded as the fifth respondent in the writ petition.

4. The appellant is before us by contending that already a request has been rejected by order dated 22.09.2017, by the District Educational Officer and it appears that the said order has not been challenged by the first respondent-writ petitioner. Thus, merely because a direction has been issued to consider the representation, it does not mean that the first respondent-writ petitioner is entitled to, for his claim being positively considered. The consideration can be only in accordance with law.

5. Thus, noting that the Court has disposed of writ petition by the impugned order to consider the representation on its own merits and in accordance with law, we are not inclined to interfere with the impugned order. But, however, we make it clear



that the respondents 2 to 5, when they consider the first respondent's representation, should take note of earlier orders and their action should be in accordance with law.

6. With the above observations, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD)

// True Copy //

/ /2021

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

1. The Secretary,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 600 009.
 2. The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Nungambakkam,
Chennai - 600 006.
 3. The Joint Director of School Education (Vocational),
O/o. the Director of School Education,
DPI Campus, Nungambakkam,
Chennai - 600 006.
 4. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Thoothukudi, Thoothukudi District.
- +1 CC to M/s.S.LOUIS, Advocate (SR-21245[F] dated 05/07/2021)

W.A. (MD)No.1264 of 2021

05.07.2021