



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.12.2021**

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.A(MD)NO.1438 OF 2021
and
C.M.P(MD)No.5902 of 2021**

- 1.The Chief Educational Officer,
Office of the Chief Educational Office,
Tirunelveli District.
 - 2.The District Educational Officer,
Office of the District Educational Office,
Valliyoor, Tirunelveli District.
 - 3.The Block Educational Officer,
Office of the Block Educational Office,
Kalakadu, Tirunelveli District. :Appellants/Respondents 1 to 3
- .vs.

- 1.C.V.Sreeja,
B.T.Assitant(English),
K.A.M.P.Meerania Middle School,
Kalakadu, Valliyoor, Tirunelveli District.
:Ist Respondent/Writ Petitioner
- 2.The Correspondent,
K.A.M.P.Meerania Middle School,
Kalakadu, Valliyoor, Tirunelveli District.
:2nd Respondent/4th Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.16293 of 2020, dated 18.02.2021.

Prayer in WP(MD). 16293 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 2nd respondent in his impugned proceedings in O.Mu.No. 1130/Aa2/2020 dt. 04.10.2020 and quash the same as illegal and consequential to direct the 2nd respondent to approve the appointment of the



petitioner as BT Assistant (English) w.e.f. 23.01.2019 with all other consequential monetary and service benefits.

For Appellants : Mr.P.Subbaraj
Special Govt.Pleader

For Respondent-1 : Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondent-2 : No appearance

JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

The Writ Appeal is filed by the Government, challenging the order extending certain benefits to the first respondent herein.

2.The only objection raised by the learned Special Government appearing for the appellants is that the first respondent did not qualify TET examination and therefore, the benefits cannot be extended to her.

3.In similar circumstances, several orders of the learned Single Judges as well as the Division Benches have been passed and one of the latest judgment is on 28.09.2021, by the First Division Bench in W.A(MD)No.1862 of 2021, which is as follows:

'2.It is fairly submitted on behalf of the appellants that the issue is covered by a previous Division Bench judgment in a batch of matters and the State has preferred a Special Leave Petition.

3.Since the issue is already covered by a Division Bench Judgment, no question arises for revisiting the same. In the event the SLP succeeds and the relevant order is set aside, that will govern all matters.'

4.In view of the above decision, this Writ Appeal is dismissed on the same lines, as quoted above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Chief Educational Officer,
Office of the Chief Educational Office,
Tirunelveli District.
- 2.The District Educational Officer,
Office of the District Educational Office,
Valliyoore, Tirunelveli District.
- 3.The Block Educational Officer,
Office of the Block Educational Office,
Kalakadu, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-37902[F] dated 09/12/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-37960[F] dated 09/12/2021)

JUDGMENT MADE IN
W.A(MD)NO.1438 OF 2021
and
C.M.P(MD)No.5902 of 2021
08.12.2021

MMS (CO)
TR(21.12.2021) 3P 6C