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W.A(MD)No.1862 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.A(MD)No.1862 of 2021

and

C.M.P(MD)No.8129 of 2021

1.The Chief Educational Officer,
Sivagangai, Sivagangai District.

2.The District Educational Officer,
Sivagangai, Sivagangai District.

.. Appellants /
1st & 2nd Respondents

Vs.

1.I.Selvakumar

.. 1st Respondent /
Writ Petitioner

2.The Correspondent,
St.Mary's Higher Secondary School,
Rajakembiram - 630 609
Sivagangai District.

.. 2nd Respondent /
3rd respondent

PRAYER: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 17.03.2021 passed in W.P(MD)No.5895 of 2021 on the file of this Court.

Prayer in WP(MD). 5895/ 2021 :

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 proceedings issued by the 2nd respondent District Educational Officer in A.Thi.Mu.No.297/a5/2021 dated 02.2021, Quash the Same, and further direct the respondents 1 and 2 herein to sanction forthwith the annual increments and other allowances towards the salary of Petitioner as BT Assistant Maths in the 3rd respondent school from the date of her appointment i.e., 05.06.2014.

For Appellant : Mr.Baskaran,
Additional Advocate General
Asisted by Mr.P.Thilak Kumar
Government Pleader

For Respondent No.1 : Mrs.A.Amala



J U D G M E N T

**[Judgment of the Court was delivered by
The Hon'ble CHIEF JUSTICE]**

It is submitted that the appeal arises out of an order extending certain benefits to the first respondent herein. The principal grievance of the appellants is that the first respondent-writ petitioner did not qualify in the TET and, as such, the benefit sought cannot be extended to such a person.

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 of revisiting the same. In the event the SLP succeeds and the relevant order is set aside, that will govern all matters.

4.Accordingly, in view of the judgment rendered on July 6, 2021, in W.A.(MD)No.1273 of 2021 and W.A.(MD)No.1274 of 2021, the present writ appeal, W.A.(MD)No.1862 of 2021, is dismissed.

There will be no order as to costs. Consequently, C.M.P.(MD) No.8129 of 2021 is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/RM

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,
Sivagangai, Sivagangai District.

2.The District Educational Officer,
Sivagangai, Sivagangai District.

+1 CC to M/s.A.AMALA, Advocate (SR-30431[F] dated 28/09/2021)

W.A(MD)No.1862 of 2021

28.09.2021