



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)Nos.500 & 501 of 2014

and

M.P(MD)Nos.1, 1 & 2 of 2014

1.W.A(MD)No.500 of 2014:-

1.The District Elementary Educational Officer,
Tiruchi.

2.The Assistant Elementary Educational Officer,
Tiruchi Urban, Tiruchi. ... Appellants/Respondents 1 & 2

Vs.

1.M.Chitra ... 1st Respondent/Petitioner

2.The Secretary,
Thenur Middle School, Thenur,
Tiruchi. ... 2nd Respondent/3rd Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 10.03.2011 made in W.P(MD)No.2149 of 2011 on the file of this Court.

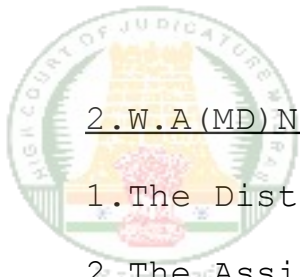
Prayer in WP(MD). 2149 of 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to approve the appointment of the petitioner as Secondary Grade /Graduate Teacher w.e.f 13/04/2010, on the basis of the proposal of the 3rd respondent school dated 16/04/2010, with all consequential benefits.

For Appellants : Mrs.S.Srimathy,
Special Government Pleader.

For R - 1 : Mr.S.N.Ravichandran

For R - 2 : Mr.D.Gnanasekaran



2.W.A(MD)No.501 of 2014:-

1.The District Elementary Educational Officer, Tiruchi.

2.The Assistant Elementary Educational Officer,
Tiruchi Urban, Tiruchi. ... Appellants/Respondents 1 & 2

Vs.

1.A.Dhanalakshmi ... 1st Respondent/Petitioner

2.The Secretary, Thennur Middle School,
Thennur, Tiruchi. ... 2nd Respondent/3rd Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 10.03.2011 made in W.P(MD)No.2150 of 2011 on the file of this Court.

Prayer in WP(MD). 2150 of 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the Respondent to approve the appointment of the Petitioner as Secondary Grade / Graduate Teacher w.e.f. 12/04/2010, on the basis of the proposal of the 3rd Respondent School dated 16-04-2010, with all consequential benefits.

For Appellants : Mrs.S.Srimathy,
Special Government Pleader.

For R - 1 : Mr.S.N.Ravichandran

For R - 2 : Mr.D.Gnanasekaran

COMMON JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

These Writ Appeals were directed against the order, dated 10.03.2011 passed in W.P(MD)Nos.2149 and 2150 of 2011 respectively.

2.The Writ Petitions were filed for Writs of Mandamus, directing the first respondent to approve the appointment of the petitioners as Secondary Grade/Graduate Teacher with effect from 13.04.2010 and 12.04.2010 respectively on the basis of the proposal of the third respondent School dated 16.04.2010 and 16.04.2010 respectively with all consequential benefits and the same were disposed of by order dated 10.03.2011, directing the



approval of their appointment as Secondary Grade/Graduate Teacher with effect from 13.04.2010 and 12.04.2010 respectively with all consequential benefits. Aggrieved by the said order, the above Writ Appeals were filed.

3. When the matters are taken up for hearing, the learned Special Government Pleader appearing for the appellants filed two separate memos, both dated 08.02.2021, which is extracted as under:-

"The Writ Petitions were filed inter alia praying for Writ of Mandamus, directing the first respondent to approve the appointment of the petitioners as Secondary Grade/Graduate Teacher with effect from 13.04.2010 and 12.04.2010 respectively on the basis of the proposal of the third respondent School dated 16.04.2010 and 16.04.2010 respectively with all consequential benefits. The Writ Petitions were allowed vide order, dated 10.03.2011. Aggrieved over the same, the respondents had preferred Writ Appeals in W.A(MD)Nos.500 and 501 of 2014. Since the post was surrendered to the "Director's Common Pool", the appointment could not be approved. In the meanwhile the School had submitted a requisition to grant the post which was surrendered to the "Director's Common Pool". After considering the request the Director has again granted the post vide proceedings dated 06.07.2012. After the post was granted the records of the School and the individuals were verified. The record states that the petitioners were working from their original date of appointment ie., from 12.04.2010 and therefore the appointment was approved vide order dated 09.07.2012. Thereafter, the petitioners were paid salary and other monetary benefits. Thereafter, selection grad in the year 2020 was also paid. Hence, the Writ Appeals have become infructuous and the same may be recorded."

4. In view of the above, these Writ Appeals are dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// 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.

+1 CC to M/s.GP (SR-4315[F] dated 10/02/2021)

W.A(MD)Nos.500 & 501 of 2014
08.02.2021

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TR(24.02.2021) 4P 2C