



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2475 of 2019

and

W.M.P. No. 2755 of 2019

J.Kersiya Kalaiyarasi

...Petitioner

-vs-

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

2.The District Educational Officer,
Tiruvallur,
Tiruvallur District.

3.The Headmaster,
T.E.L.C. Kabis Higher Secondary School,
Pandur - 631 203,
Tiruvallur Taluk and District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in passing the order bearing reference in Na. Ka. No. 6437/Aa2/2018 dated 10.12.2018 by the First Respondent, and quash the same and consequently directing the First Respondent to approve the appointment of the Petitioner as Secondary Grade Teacher from the date of joining the said post on 05.10.2016 by consider the resubmitted proposal sent by the Third Respondent on 28.08.2017.

For Petitioner : Mr. P.Ganesan

For Respondents : Mr. Silambannan
Additional Advocate General assisted by
Mrs. C.Sangamithirai
Special Government Pleader (for R1 and R2)

R3 - No Appearance



O R D E R

Heard Mr. P.Ganesan, Learned Counsel for the Petitioner and Mr. S.Silambannan, Learned Additional Advocate General assisted by Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Third Respondent is a private school receiving grant-in-aid from the Government of Tamil Nadu for payment of salaries to its teachers. It is the case of the Petitioner that on his appointment as Secondary Grade Teacher against a vacancy in the school of the Third Respondent on 30.09.2016, he had joined duty on 05.10.2016 and has been working as teacher in the said school from then onwards. The Third Respondent had forwarded the papers for approval of appointment of the Petitioner to the District Elementary Educational Officer through the Assistant Elementary Educational Officer on 28.08.2017, but it was rejected by Order Na. Ka. No. 6437/Aa2/2018 dated 10.12.2018 passed by the Second Respondent, which is challenged in this Writ Petition.

3. Learned Counsel for the Petitioner states that the Petitioner died on 07.02.2019 after the filing of the Writ Petition and in view of the same, though the Writ Petition stands abated, it may be clarified that the legal heirs of the deceased Petitioner shall not be precluded from pursuing legal remedies for any of the monetary benefits that the deceased Petitioner may be entitled to receive before the proper forum in accordance with law. He has also made an endorsement to that in the court record.

4. In fine, the Writ Petition is dismissed as abated with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

skr

To

1.The Chief Educational Officer,

Tiruvallur,

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



2.The District Educational Officer,
Tiruvallur,
Tiruvallur District.

3.The Headmaster,
T.E.L.C. Kabis Higher Secondary School,
Pandur - 631 203,
Tiruvallur Taluk and District.

+1cc to Government Pleader SR. No.23666

W.P. No. 2475 of 2019

PVS (CO)
PR (09/05/2022)