



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WRIT APPEAL NO.2823 OF 2021

K.Sulochana

... Appellant

vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.
4. The Headmaster,
Government Higher Secondary School,
Kilvelur,
Nagapattinam District.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 04.02.2019 passed by this Court in W.P.No.835 of 2018.

Prayer in W.P.No.835 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to make payment of salary to the Petitioner in the post of B.T. Assistant (Social Science) in 4th Respondent School by regularizing the period from 01.08.2015 to 09.12.2015 as service period on re-employment based on the representation submitted by the Petitioner dated 15.12.2017, within a time frame.



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For Appellant : Mr.G.Sankaran
For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

J U D G M E N T

(Judgment of the Court delivered by S.VAIDYANATHAN,J.)

Present Appeal has been preferred by the Writ Petitioner, questioning the order dated 04.02.2019 passed by the learned Single Judge in W.P.No.835 of 2018, whereby, the relief sought for by the Writ Petitioner seeking payment of salary to her in the post of B.T. Assistant (Social Science) in the 4th Respondent School, by regularizing the period from 01.08.2015 to 09.12.2015 as service period on re-employment based on her representation dated 15.12.2017, has been rejected.

2. According to the Appellant/Writ Petitioner, she was denied continuation of service in the post of B.T. Assistant, by an order dated 31.07.2015, which was tested in W.P.No.33293 of 2015. The said Writ Petition was dismissed as withdrawn, by an order dated 11.09.2017. Pursuant thereto, as wages for the entire period of service has not been paid to the Writ Petitioner, she made a representation on 15.12.2017 to the Respondents. As the said representation was not considered, the Writ Petitioner approached this Court by way of another Writ Petition in W.P.No.835 of 2018, which is the subject matter of the present Appeal.

3. Learned Single Judge has dismissed W.P.No.835 of 2018, in view of the fact that, cause of action had already been addressed in the earlier Writ Petition filed in W.P.No.33293 of 2015, and that, the issue raised in W.P.No.835 of 2018 has to be adjudicated in the earlier Writ Petition filed by the Writ Petitioner.

4. As the learned Single Judge has rightly held that, the issue raised in W.P.No.835 of 2018 has to be adjudicated in the earlier Writ Petition filed by the Writ Petitioner, we are not inclined to accept the request of the Appellant/Writ Petitioner.

5. While concluding, learned counsel for the Appellant/Writ Petitioner submitted that, the Appellant/Writ Petitioner may be permitted to file a Review Petition in the earlier Writ Petition, so that, she may put forth her contentions before the learned Single Judge.



6. As the issue for consideration pertains only to W.P.No.835 of 2018, we are not inclined to accede to the said request. However, there is no bar for the Appellant/Writ Petitioner to file a Review Petition in W.P.No.33293 of 2015 and it is for the learned Single Judge to consider the same in accordance with law.

The Writ Appeal stands dismissed with the above observation.
No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
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2. The Director of School Education,
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4. The Headmaster,
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+1cc to M/s.G.Sankaran, Advocate, S.R.No.15697

+1cc to the Government Pleader, S.R.No.15907

W.A.No.2823 of 2021

PMK(CO)
RLP(25/03/2022)