



W.A.No.2283 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and
The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.No.2283 of 2022
and
C.M.P. No.17417 of 2022

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Namakkal, Namakkal District.

2.The District Educational Officer,
Office of the District Educational Officer,
Namakkal, Namakkal District.

.. Appellants

vs

S.B.M. High School,
Namakkal, Namakkal District rep. By its
Correspondent D.David Livingston

.. Respondent

Appeal filed under Clause 15 of Letters Patent against the order
dated 06.09.2021 made in W.P. No.18626 of 2021.

For Appellants : Mr.M.Rajendran,
Addl. Govt. Pleader

For Respondent : Mr.B.Vishnu Chelliya
for M/s.Ajmal Associates



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JUDGMENT
(Delivered by PARESH UPADHYAY.,J)

1. Challenge in this appeal is made to the order dated 06.09.2021 recorded on W.P.No.18626 of 2021. This appeal is by the State Authorities.

2. Learned Additional Government Pleader has made grievance against the order under challenge, however we note that, the order under challenge in toto reads as under:-

“The learned senior counsel for the petitioner and the learned Government Advocate for the respondents submits that the issue is now squarely covered by the decision of the Madurai Bench of this Court in the case of Secretary to Government, Education Department, Chennai and others Vs S.Jeyalakshmi and another, (2016) 5 CTC 639, has followed by the decision of the Madurai Bench of this Court in the case of P.Savarimuthu Maria George Vs The District Elementary Educational Officer, Virudhunagar



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District and others, passed in W.A(MD).No.948 of 2018 dated 13.12.2018 and another decision of the Madurai Bench of this Court in the case of The Director of School Education, Chennai and others Vs John Wesley and others, passed in W.A(MD).Nos.1416 to 1419 of 2019 dated 27.11.2019.

2. In view of the same, this Writ Petition stands allowed. The respondents are therefore directed to approve the appointment of D.Daniel Devaraaj as B.T.Assistant (Science) in the petitioner's School within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed. "

3. The very reading of the order would indicate that, this is an order invited jointly by the State Authorities. The State can not be permitted to make any grievance against the order which is invited by



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4. In view of the above, this appeal is dismissed. No Costs.
Connected miscellaneous petition would not survive.

(P.U., J) (D.B.C., J)
14.10.2022

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**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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