



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 1371 of 2022

S.Rajeshwari ... Petitioner

Vs.

1. The Director of School Education,
College Road,
Chennai.

2. The Joint Director (Personnel),
Department of Government Examination,
College Road,
Chennai - 600 006.

3. The Chief Educational Officer,
Theni,
Theni District.

4. The District Educational Officer / Camp Officer,
Periyakulam,
Periyakulam Taluk,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to pass appropriate orders on the Appeal dated 18.01.2021 preferred by the petitioner, in the light of the order of the Hon'ble Supreme Court in *In Re Cognizance for Extension of Limitation -Vs- XXXX reported in 2021 (4) CTC 860* dated 27.04.2021, by considering the representation of the petitioner dated 13.11.2021.

For Petitioner	:	Mr.K. Ponnaiah for Ajmal Associates
For Respondents	:	Mr.G.V.Vairam Santhosh Additional Government Pleader

ORDER

The Writ of Mandamus is filed to direct the first respondent to pass appropriate order on the Appeal dated 18.01.2021 preferred by the petitioner.



2. The grievances of the writ petitioner is that the judgment of the Hon'ble Supreme Court in ***In Re Cognizance for Extension of Limitation Vs. XXXX reported in 2021 (4) CTC 860*** dated 27.04.2021 was not considered by the respondents. However, the petitioner admitted that, the Appeal filed by the petitioner on 18.01.2021 challenging the punishment of stoppage of increment was already disposed of by the Commissioner of School Education, in proceedings dated 02.09.2021. The said appellate order is also enclosed in the typedset of papers filed in the Writ Petition.

3. This being the factum, the present Writ Petition is filed seeking a direction again to the first respondent to consider the original Appeal filed by the writ petitioner on 18.01.2021, which was already disposed of. Such a procedure is not contemplated. A direction in respect of the disposed Appeal cannot be granted to re-consider the Appeal already considered by the Authorities and disposed of. The petitioner has to approach the Higher authorities, namely, the Government for reviewing the order or otherwise. Contrarily, the disposed Appeal cannot be re-opened for the purpose of re-consideration by issuing a direction to consider the Appeal as sought for in the present Writ Petition. The very relief sought for in the present Writ Petition is absolutely misconceived and not sustainable. Therefore, the petitioner is at liberty to approach the Government for reviewing the order or otherwise in the manner contemplated under the relevant rules in force.

4. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

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Theni District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9681[F] dated
03/03/2022)

+1 CC to M/s.SPL GP (SR-9758[F] dated 03/03/2022)

W.P. (MD) No. 1371 of 2022
02.03.2022

NSN(CO)
KB(18.03.2022) 3P 7C