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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN
and
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No.2032 of 2023 & C.M.P. No.17252 of 2023

- 1 The District Collector
Karur District
Karur
- 2 The District Employment Officer
Karur District
Karur
- 3 The Chief Educational Officer
Karur District
Karur
- 4 The District Educational Officer
Karur District
Karur
- 5 The District Elementary Educational Officer
Karur District
Karur
- 6 The State of Tamil Nadu
represented by its Secretary
Education Department
Fort St. George
Chennai 600 009

Appellants



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A. Francis Daniel Raja

v

Respondent

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 30.03.2021 passed in W.P. No.1853 of 2015.

For appellants Mrs. V. Yamuna Devi
Special Government Pleader

For respondent Ms. Y. Kavitha

JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

This writ appeal has been directed against the order dated 30.03.2021 passed by a Single Bench of this Court in W.P. No.1853 of 2015, the operative portion of which reads thus:

“6. In view of the above, this writ petition is disposed of with a direction to the first respondent to consider the claim of the petitioner, in the light of the aforesaid order dated 16.07.2010 passed by this Court in W.P. No.47929 of 2006 and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.”

2 At the threshold, it is worth pointing out that the aforesaid order was passed by the Single Bench only in pursuance of the submission made by the learned Additional Government Pleader to the effect that the



authorities would consider the claim of the writ petitioner in the light of the order dated 16.07.2010 passed in W.P. No.47929 of 2006, as is evident from paragraph 5 of the order impugned herein, which reads thus:

“5. On the other hand, the learned counsel for the respondent authorities fairly submitted that the respondent authorities would consider the claim of the petitioner, in the light of the aforesaid order and pass orders on merits, within a time frame to be stipulated by this Court.”

3 Thus, when it is as clear as the sky that the order impugned in this writ appeal has been passed only pursuant to the consent expressed by the learned Additional Government Pleader, as stated in the preceding paragraph, we are not inclined to entertain this writ appeal. However, since the time granted by the Single Bench had expired long ago, we grant three months time to the appellants, from the date of receipt of a copy of this judgment, to consider the case of the respondent herein, as directed by the Single Bench.

This writ appeal stands dismissed with the aforesaid observations. No costs. Connected C.M.P. stands closed.

(S.V.N., J.) (K.R.S., J.)
08.08.2023

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This matter has been listed under the caption “For Being Mentioned” at the instance of the learned Special Government Pleader for the appellants.

2. The writ appeal came to be dismissed by judgment dated 08.08.2023 confirming the order passed by the learned Single judge. However, while doing so, this Court granted three months time to the appellants to consider the case of the respondent as time granted by the learned Single Judge had already expired.

3. Today, the learned Special Government Pleader would submit that pursuant to the direction given by the learned Single Judge in W.P. No. 1853 of 2015, the claim of the writ petitioner/respondent herein had been considered and his request has been rejected by the District Educational Officer vide order dated 26.10.2022 in Na.Ka.No.135/2/2022. She would



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further submit that the writ petitioner/respondent has also filed a contempt

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nv

petition in Contempt Petition No. 1956/2022 for non-compliance of the order passed by the learned Single Judge.

4. The order dated 26.10.2022 had not been brought to our attention at the time when the writ appeal was disposed of. Hence, we are of the view that no further orders are required to be passed in this writ appeal.

5. It is needless to mention that if the appellants are aggrieved by the judgment of this Court, it is open to them to approach the appropriate forum. Since the contempt petition is not tagged along with the writ appeal, we cannot pass any orders in the contempt petition.

nv

(S.V.N.J) (K.R.S.J.)
11.08.2023
W.A. No.2032 of 2023