



Writ Appeal No.1068 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 09.11.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN**

**Writ Appeal No.1068 of 2020
and C.M.P.Nos.13007 of 2020 &1743 of 2022**

1. The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai – 9.
2. The Director of Elementary School Education,
Nungambakkam, College Road,
Chennai – 600 006.
3. The District Elementary Educational Officer,
Mettur, Krishnagiri District.
4. The Chief Educational Officer,
Office of the Chief Educational Officer,
Krishnagiri District.
5. The Block Educational Officer,
Bargur, Krishnagiri District.

... Appellants

Vs

S.Maniammal

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 25.08.2020 made in W.P.No.7200 of 2020.



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For Appellants : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.M.Murali,
Government Advocate
For Respondent : Mr.V.Vijayashankar

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This intra-court appeal has been directed against the order passed by the Writ Court dated 25.08.2020 made in W.P.No.7200 of 2020.

2. In the said writ petition, the prayer sought for was seeking for a writ of mandamus directing the respondent therein to conduct a Special Transfer Counselling to the Middle School Headmasters including the petitioner therein pursuant to the directions issued by this Court in an earlier writ petition in W.P.No.25150 of 2019 dated 17.10.2019 and allot the available vacancies before conduct of the General Transfer counselling for the academic year 2020-2021.



3. The said writ petition was allowed by the order of the Writ Court dated 25.08.2020, as against which, the present appeal had been directed.

4. Today, when the case is taken up for hearing, learned counsel appearing for the respondent has submitted that during the pendency of the appeal, posting had been given pursuant to the counselling to the respondent and he had been working in the transferred place.

5. Learned Additional Advocate General appearing for the appellants also submitted that during the pendency of the appeal, an order has been passed on 03.02.2022 by the District Educational Officer, Mattur in Na.Ka.No.4711/Aa2/2019, whereby posting had been given based on the legal opinion given in view of the order passed by the Writ Court even though the writ appeal, which has been presently taken up, is pending before this Court and he had also produced the order dated 03.02.2022.

6. Relying upon this order, it was submitted by the learned Additional Advocate General appearing for the appellant that, this order has been passed without prejudice to the right of the appeal.



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7. After having gone through the said order as well as the development taken place, where the posting has already been given to the respondent, we are of the view that since the prayer that was allowed by the Writ Court itself is very innocuous in nature, where he permitted the respondent to participate in the Special Counselling for Transfer and accordingly, he had been permitted and transfer was given, where in the transfer place, he had been working and this position has been confirmed by the order passed by the appellant dated 03.02.2022. When that being so, effectively nothing survives in this appeal as of now to persuade further.

8. Therefore recording this development, we feel that this appeal can be disposed of and accordingly, this writ appeal is disposed of. Connected miscellaneous petitions are closed.

(R.S.K.,J.)

(G.A.M., J.)

09.11.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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