



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRVARTHY**

**W.A(MD)NO.1368 OF 2023
and
C.M.P(MD)No.10581 of 2023**

M.Ramapriya

:Appellant/Petitioner

.VS.

1.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

2.The District Educational Officer,
Vallioor,
Tirunelveli District.

3.The Secretary,
Nehru National Higher Secondary School,
Vadakkankulam,
Tirunelveli District.

4.Malarvizhi Maria Kumuth
BT Assistant(History),
Nehru National Higher Secondary School,
Vadakkankulam,
Tirunelveli District.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.6024 of 2020, dated 01.02.2022.



For Appellant :Mr.T.A.Ebenezer
For Respondents :Mr.D.Sadiq Raja
1 and 2 Addl.Govt.Pleader

JUDGMENT

[Judgment of the Court was made by **S.S.SUNDAR,J.**]

This Writ Appeal is directed against the order of the learned Single Judge, dated 01.02.2022, in the Writ Petition filed by the Writ Petitioner in W.P(MD)No.6024 of 2020.

2.Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Writ Petitioner, earlier filed the above Writ Petition for issuance of a Writ of Mandamus directing the respondents 1 to 3 to promote the Petitioner to the post of PG Assistant(History) in the third respondent school by considering her applications, dated 12.10.2019 and 13.03.2020.

4.At the time of hearing the Writ Petition, the learned counsel for the Petitioner appears to have requested the learned Single



Judge to give a direction to the respondents to consider the representation of the Petitioner. The Writ Petition was disposed of in the following lines, at the request of the learned counsel for the Petitioner:

'3.When the matter is taken up for hearing today, learned counsel for the Petitioner submitted that it would be suffice if the representations of the Petitioner, dated 12.10.2019 and 13.3.2020 are directed to be disposed of, within a stipulated time limit.

4.In view of the limited relief sought for, this Court, without expressing anything on the merits of the case, directs the respondents to consider the Petitioner's representation, dated 12.10.2019 and 13.3.2020 and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the Petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.'

5.With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed."

5.The grievance of the Petitioner now in the Writ Appeal is



that the learned Single Judge ought to have given a positive direction to the official respondents.

6.This Court, in view of the fact recorded in the order, cannot now consider the grievance of the appellant. Further, it is not the case of the appellant that there is no concession at the time of presenting the case before the learned Single Judge. Even assuming that the Petitioner's submission has been wrongly recorded, it may be open to the appellant to file a Review Application and not a Writ Appeal, when the Writ Petition was disposed of with a direction to consider the Petitioner's representation, at the request of the Petitioner. Hence, this Court finds no merit in the Writ appeal and the same deserves to be dismissed.

7.Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C.,J.]
23.08.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn



To

WEB COPY

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Tirunelveli District,
Tirunelveli.
2. The District Educational Officer,
Vallioor,
Tirunelveli District.



WEB COPY



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S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

vsn

JUDGMENT MADE IN
W.A(MD)NO.1368 OF 2023
and
C.M.P(MD)No.10581 of 2023

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