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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.07.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1092 of 2014 and
M.P.(MD)No.1 of 2014

1.The Director of School Education,
School Education Department, Chennai.

2.The Chief Educational Officer,
Thoothukudi District, Thoothukudi.

3.The Head Master,
Government Higher Secondary School,
Tharuvaikulam, Thoothukudi.

... Appellants

Vs.

M.Shanmugakani

... Respondent

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 23.07.2014 passed by this Court in W.P(MD)No. 6218 of 2014.

For Appellant	:Mr.V.Om Prakash Government Advocate
For Respondents	:No Appearance



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JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

The respondent/Writ Petitioner has been consistently absent both on the earlier occasions as well as today.

2.The Writ Petition has been filed seeking a Mandamus directing the Headmaster of Government Higher Secondary School, Tharuvaikulam, Thoothukudi, to disburse salary including past arrears as per re-fixation order, dated 07.12.2012. The Writ Petition had come to be allowed on 23.07.2014 on the strength of order dated 07.12.2012.

3.Mr.V.Om Prakash, learned Government Advocate for the appellant/State has advanced two contentions. Firstly, he would state that there had been a suppression of the position that order dated 07.12.2012 had been kept in abeyance by order dated 13.02.2013. It was his case that, had said order dated 13.02.2013 been brought to the notice of the Court, the Writ Petition would not have been allowed at the first instance.



4.The second contention is that this very Writ Petitioner had been dismissed from service under proceedings in Na.Ka.No. 10141/A2/2007, dated 09.01.2016. The order of dismissal had been challenged by the Writ Petitioner in W.P(MD)No.1270 of 2016 and by order dated 23.11.2022, the Writ Petition had come to be allowed. The impugned order in that Writ Petition was quashed and the respondents were directed to approve the Writ Petitioner's appointment and disburse all terminal and monetary benefits as applicable.

5.It is, perhaps, on account order dated 23.11.2022 that the Writ Petitioner has not thought it necessary to appear and pursue the present Writ Appeal. In any event, by virtue of that order dated 23.11.2022, nothing further survives in this Writ Appeal and recording the same, this Writ Appeal is closed. No costs. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [R.V.J.,]
10.07.2023

NCC :Yes/No
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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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