



W.A.(MD)No.1066 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD)No.1066 of 2024

and

C.M.P.(MD)No.7976 of 2024

1.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

2.The District Educational Officer,
Thuckalay, Kanyakumari District.

... Appellants

-Vs-

1.M.Pon Usha Rani

2.The Correspondent,
V.K.P. Higher Secondary School,
Colachel, Kanyakumari District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 08.09.2022 made in W.P.(MD)No.11211 of 2022 on the file of this Court.

For Appellants : Mr.S.Shaji Bino,
Special Government Pleader



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For R1 : M/s.A.Amalal
For R2 : Mr.M.Jerin Mathew

JUDGMENT

[Judgment of the Court was delivered by *R.SURESH KUMAR, J.*]

By the impugned order dated 08.09.2022 of the Writ Court, a direction had been given to the appellants herein to give approval to the 1st respondent / writ petitioner on her appointment as Sewing Teacher in the 2nd respondent School.

2.Though that order is under challenge in this Writ Appeal, today (28.06.2024) when the case is taken up for hearing at the admission stage itself, the learned Special Government Pleader appearing for the appellants would submit that during the pendency of the appeal or during the process of preferring this Writ Appeal, the Teacher's appointment has been approved and an order to that effect has been passed on 27.05.2024 by the 1st appellant.

3.Relying upon the said proceedings dated 27.05.2024 issued by the 1st appellant, the learned Special Government Pleader for the appellants would contend that the said approval itself has been given subject to the result of this Writ Appeal.

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4.The learned counsel for the 1st respondent / Teacher would submit that this approval had been given only in April, 2024 ie., the date on which, interim order has been passed in the Contempt Petition filed by the 1st respondent / writ petitioner.

5.However, the direction, that was issued by the learned Single Judge in the order impugned at paragraph No.5, makes it very clear that the appellants should approve the appointment of the writ petitioner in the 2nd respondent School with effect from 01.08.2017 ie., the date on which, she was originally appointed.

6.Since the proceedings dated 27.05.2024 issued by the 1st appellant has provided approval to the Teacher only in April, 2024 and in this regard, if the 1st respondent / writ petitioner feels that the order of the Writ Court has not been fully complied with, it is open to the 1st respondent / writ petitioner to agitate the issue in the manner known to law.

7.Insofar as the appellants are concerned, since the approval has been given, where there has been no impediment mentioned, as if despite such impediment approval has been given, there has been no ground available to be urged in this Writ Appeal.



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8.Once the order of the learned Single Judge is accepted and acted upon, of course, by imposing certain conditions, this Court feels that no further adjudication is required in this Writ Appeal, except recording the proceedings of the 1st appellant. Therefore, by recording the said development, the order of the learned Single Judge substantially since has been complied with, there has been no serious ground available to agitate the order of the Writ Court, which is impugned herein.

9.Resultantly, this Writ Appeal, by recording the aforestated, is to be disposed of, accordingly, disposed of with the aforestated liberty to the 1st respondent / writ petitioner to agitate the issue, if still she feels aggrieved over the proceedings dated 27.05.2024 issued by the 1st appellant. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] & [G.A.M., J.]
28.06.2024

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

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