



W.A(MD).No.1924 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Ms.JUSTICE R.POORNIMA**

**W.A.(MD)No.1924 of 2021
and CMP(MD) Nos.8525 of 2021 and 84 of 2022**

1. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2. The Chief Educational Officer,
Madurai District,
Madurai – 625 002.

3. The District Educational Officer,
Madurai Education District,
Madurai District.

... Appellants/Respondents

Vs

MLWA, Higher Secondary School,
No.9, Raja Mill Road, Maninagaram,
Madurai-625 001,
Rep. by its Secretary,
S.Bhawarlal.

... Respondent/Writ Petitioner

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent Act to set aside the order, dated 15.04.2021 in W.P.(MD)No.7778 of 2021.



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For Appellants : Mr.M.Senthil Ayyanar
Government Advocate

For Respondent : Mr.F.Deepak

JUDGMENT

This writ appeal has been filed by the respondents in W.P(MD) No.7778 of 2021, aggrieved by the order of the learned Single Judge, dated 15.04.2021, by which, the learned Single Judge had allowed the writ petition.

2.The writ petition had been filed in the nature of mandamus by the first respondent, MLWA Higher Secondary School at Madurai seeking approval of appointment of R.Britto Raj in the sanctioned post of Office Assistant from the date of appointment on 15.03.2021 based on proposed submitted by the School on 16.02.2021.

3.The learned Single Judge had examined whether the said post was a sanctioned post, whether the individual R.Britto Raj was



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selected and appointed through due process. It had been found by the learned Single Judge, consequent to judgment of Division Bench in W.A.No.1022 of 2020, dated 07.01.2021 (the Director of School Education and Others Vs S.Murugan and another), that the respondents were bound to approve the appointment of R.Britto Raj as Office Assistant in the petitioner's School. The writ petitioner was directed to resubmit the proposal to the respondents within two weeks from the date of receipt of copy of the order of writ Court and further direction had been given to the respondents/appellants to approve the appointment of R.Britto Raj in the sanctioned vacancy.

4.However, the first respondent's School found itself in a peculiar situation, since R.Britto Raj deserted the School and left the employment.

5.In such view of the matter, since the individual left the employment, there is no need for resubmission of proposal by the first respondent herein. Therefore, we held that there is no use in keeping the writ appeal pending and the writ appeal is to be necessarily succeeded.



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Accordingly, the writ appeal is allowed. No costs. Consequently,
connected miscellaneous petitions are closed.

(C.V.K., J.) (R.P., J.)
18.10.2024

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

PNM

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