



W.A(MD)No.1227 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.1227 of 2024

A.Krishnan

... Appellant/Writ Petitioner

Vs.

- 1.The State of Tamil Nadu,
The Principal Secretary to Government,
School Education Department,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Complex,
Nungampakkam,
Chennai – 600 006.
- 3.The District Project Co-ordinator/
Chief Educational Officer,
Sivagangai District,
Sivagangai.
- 4.The District Collector,
Sivagangai District,
Sivagangai.



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5.The Headmaster,
UT/RMSA Model School,
S.Pudur,
Sivagangai.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 15.12.2022 made in W.P.(MD)No.748 of 2020 on the file of this Court.

For Appellant : Mr.Ragadeesh Kumar
Amicus Curiae for appellant

For RR 1 to 4 : Mr.J.Ashok
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **J.NISHA BANU, J.**)

The present writ appeal is filed against the order dated 15.12.2022 passed in W.P.(MD) No.748 of 2020.

2. The appellant/writ petitioner filed a writ petition in W.P(MD)No.748 of 2020 seeking to quash G.O.Ms.No.321 dated 22.12.2010, insofar as the writ petitioner is concerned, on the ground that he was appointed under consolidated pay with a minimum salary and that he does not wish to continue in employment without regularization. Subsequently, the appellant made



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a representation to the respondent requesting the regularization of his services. As the same was not considered, the petitioner filed a writ petition in W.P(MD)No.36235 of 2019, and by order dated 05.04.2019, the writ Court directed the respondent to consider and pass appropriate orders. In response, the third respondent passed the impugned order. Challenging the same, the appellant filed another writ petition in W.P.(MD) No.18507 of 2021.

3.The writ Court, by a common order dated 15.12.2022, passed the following order:

“3. The selection of the petitioner to the post of consolidated pay in terms of G.O.Ms.No.321 is not applicable to the petitioner and he don't want to continue his job.

4. In view of the above, the G.O.Ms.No.321, in which, the petitioner was appointed under consolidated pay is declared not applicable insofar as the petitioner is concerned and consequently, W.P.(MD)No.748 of 2020 is disposed of with the above observation and W.P.(MD) No.18507 of 2021 stands closed. No costs. Consequently, connected miscellaneous petitions are closed.”

Challenging the order passed in W.P.(MD) No.748 of 2020, the writ petitioner as appellant has preferred the present Writ Appeal.



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4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Upon perusal of the materials available on record, it is seen that the writ petition has been disposed of not on merits. Therefore, this Court is inclined to set aside the impugned order of the writ Court. Accordingly, the same is set aside and the matter is remitted back to the writ Court to pass orders on merits and in accordance with law.

6. Accordingly, this Writ Appeal is allowed. There shall be no order as to costs.

[J.N.B.,J.] & [S.S.Y.,J.]
08.04.2025

NCC : Yes / No
Index : Yes / No
ps



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ORDER MADE IN
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