



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.2564 of 2015 and M.P(MD)No.1 of 2015

WEB COPY

Ananthbabu

... Petitioner

Vs.

1.The Joint Director of Elementary Education,
(Aided Schools) College Road,
Chennai - 6.

2.The Chief Educational Officer,
Theni District.

3.The District Elementary Education Officer,
Theni District.

4.The Assistant Elementary Education Officer,
Bodinayakkanur,
Theni District.

5.Malleswaran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 4 from approving the appointment for the post of the Headmaster, made by the fifth respondent in the Moovendar Middle School at Bodinayakkanur except under due procedure and due procedure and also till the outcome of the suit in O.S.No.189 of 2012 on the file of the Sub-Court, Theni.

For Petitioner :Mr.R.Suriyanarayanan

For R-1 to R-4 :Mr.J.Gunaseelan Muthiah
Government Advocate

O R D E R

Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents.

2.This Writ Petition is filed seeking for a Mandamus forbearing the respondents 1 to 4 from approving the appointment for the post of Headmaster made by the first respondent in Moovendar Middle School, Bodinayakkanur except under due procedure and also till the outcome of the suit in O.S.No.189 of 2012 on the file of Sub-Court, Theni.

3. It is seen that there is a dispute with regard to the Educational Agency of the particular school between the petitioner and the fifth respondent. It is also seen that the petitioner has earlier filed a Writ Petitions before this Court in W.P.Nos.3898 and 3899 of 2012 seeking for approval of regularisation of the Educational Agency of the School Committee by the third respondent in favour of the fifth respondent. It is seen that this Court in the above said Writ



Petitions, directed the petitioner to file a civil suit as it involves factual dispute. Accordingly, the petitioner has filed a suit for declaration and injunction in O.S.No.189 of 2012 on the file of the Sub-Court, Theni.

WEB COPY

4. When that being the factual position, the present Writ Petition filed by the petitioner to stall the appointment of the Headmaster of the School by contending that the fifth respondent cannot make such appointment, cannot be entertained, I am of the view that the petitioner is not entitled to canvass the said appointment, in view of the that the Educational Authorities have already approved the Educational Agency and the School Committee of the fifth respondent and therefore, the appointment of Headmaster made to the School, cannot be stalled by seeking the prayer in this Writ Petition. As the petitioner has already approached the civil Court as directed by this court in earlier round of Writ Petitions, it is for him to work out his remedy before the civil Court in the manner known to law.

Accordingly, I find that the Writ Petition is not maintainable and hence, the same is dismissed. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Joint Director of Elementary Education,
(Aided Schools) College Road,
Chennai - 6.

2.The Chief Educational Officer,
Theni District.

3.The District Elementary Education Officer,
Theni District.

4.The Assistant Elementary Education Officer,
Bodinayakkanur,
Theni District.

+1cc to Mr.R.Suriya Narayanan,Advocate SR.No.9416

+1cc to Special Govt.Pleader,SR.No.9519

W.P. (MD) No.2564 of 2015

26.02.2015

pm

PA/11.03.2015/2P/7C