

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.Nos.36793 and 36794 of 2002

A.Ramalingam
T.S.Sugantha

Petitioner in WP 36793/2002
Petitioner in WP 36794/2002

Vs

1.The District Educational Officer
Chennai (South),
Chennai 8.

2.Correspondent
Kesari Higher Secondary School
T.Nagar, Chennai 17.

3.S.Jayaraj
Kesari Higher Secondary School
T.Nagar, Chennai 17.

Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records pertaining to the order passed by the 1st respondent in his proceedings Mu.Mu.No.8409/A2/2000 dated 28.08.2002 and quash the same.

For petitioners	:	Mr.P.Ganesan
For R1	:	Mr.S.Pattabiraman, Govt.Advocate
For R2	:	Ms.P.Mahalakshmi

COMMON ORDER

These petitions have been filed calling for the records pertaining to the order passed by 1st respondent in his proceedings Mu.Mu.No.8409/A2/2000 dated 28.08.2002 and quash the same.

2. It is the case of the petitioners that they were working as P.G.Assistants in Kesari Higher Secondary School, T.Nagar, Chennai [second respondent] and that the said School is a linguistic minority institution. It is the grievance of the petitioners that overlooking their seniority and educational qualifications, the first respondent had approved the appointment of Mr.Jayaraj [3rd respondent] as Headmaster of the second respondent School, by the impugned order dated 28.08.2002, challenging which they have filed the present writ petitions.

3. The learned counsel for the petitioners contended that a Division Bench of this Court in **B.Devashanthini v. The Director of School Education [Writ Appeal No.606 of 2009]** dated 03.09.2010 had relied upon the judgment of the Supreme Court in **T.M.A. Pai Foundation v. State of Karnataka [(2002) 8 SCC 481]** and has held that even though a minority institution enjoys considerable freedom in the matter of establishment and administration of education institutions, yet, they should evolve a rational procedure for appointment of teachers. One can have no quarrel with the aforesaid proposition of law. However, even according to the petitioners, the appointment of Jayaraj was made in the year 2001 and the present writ petitions were filed only in the year 2003 and

now, both Jayaraj and the petitioners have retired.

Under such circumstances, nothing survives in these writ petitions and accordingly the same are closed. No costs.

09.12.2016

gms

To

1.The District Educational Officer
Chennai (South),
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2.Correspondent
Kesari Higher Secondary School
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P.N.PRAKASH, J.

gms

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