

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.Nos.2202 and 2364 of 2003

A.Ramalingam
T.S.Sugantha

.. Petitioner in W.P.2202/2003
.. Petitioner in W.P.2364/2003

Vs

1.Director of School Education
Chennai -6.

2.District Educational Officer
Chennai (South),
Chennai 8.

3.Correspondent & Secretary
Kesari Higher Secondary School
T.Nagar, Chennai 17.

4.S.Jayaraj
Headmaster
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 3rd respondent in his proceedings No.Nil, dated 29.08.2000 and quash the same, and direct the respondents to appoint the petitioners as Headmaster of the 3rd respondent School and confer all the consequential benefits.

For petitioners	:	Mr.P.Ganesan
For R1 and R2	:	Mr.S.Pattabiraman Govt.Advocate
For R3	:	Ms.P.Mahalakshmi

ORDER

These petitions have been filed calling for the records pertaining to the order passed by the 3rd respondent in his proceedings No.Nil, dated 29.08.2000 and quash the same, and direct the respondents to appoint the petitioners as Headmaster of the 3rd respondent School and confer all the consequential benefits.

2. It is the case of the petitioners that they were working as P.G.Assistants in Kesari Higher Scondary School, T.Nagar, Chennai [third 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 third respondent School had appointed Mr.Jayaraj [4th respondent] as Headmaster, by the impugned order dated 29.08.2000, 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 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. Director of School Education
Chennai -6.

2. District Educational Officer
Chennai (South),
Chennai 8.

3. Correspondent & Secretary
Kesari Higher Secondary School
T.Nagar, Chennai 17.

P.N.PRAKASH, J.

gms

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