

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.A. No.474 of 2016 and C.M.P. No.6575 of 2016

N. Deepa Gopika ..Appellant/4th Respondent
vs.

- 1 Sri Krishna Vidhyalaya Aided Middle School
Ranipet
represented by its Manager
N. Jaisri Kothai. ...1st Respondent/Petitioner
- 2 The Director of Elementary Education
DPI Campus, College Road
Chennai 600 006
- 3 The District Elementary Education Officer
Vellore - 4
- 4 The Assistant Elementary Education Officer
Walajah East, Ranipet
Vellore District 632 401.
...Respondents 2 to 4/Respondents 1 to 3

Writ Appeal preferred under Clause 15 of the Letters Patent
challenging the order dated 08.09.2015 passed in W.P.No.28118 of
2015.

Petition under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus directing the second
respondent to approve the resubmitted proposal (with regard to
reversion of the 4th respondent) by the petitioner school on
28/08/2015.

For Appellant Mr. R. Neelakandan
For R1 Mr. K.H. Ravikumar
For RR 2 to 4 Mr. T.N. Rajagopalan
Special Government Pleader

JUDGMENT

(delivered by SATISH K.AGNIHOTRI, J.)

This intra-Court appeal is directed against the order dated 08 September 2015 passed in W.P. No.28118 of 2015.

2 To avoid verbosity, the parties are referred to as per their litigative status in this intra-Court appeal.

3.1 Shorn of the minute details, the facts in brief, leading to the filing of the instant intra-Court appeal are that the first respondent is an aided Middle School. Consequent upon superannuation of one R.Gajalakshmi, Headmaster, the appellant was promoted as Headmaster of the first respondent school. However, in the light of several complaints received against the appellant, the first respondent school issued a charge memo to her. Since there was no reply from her, a resolution was passed by the school committee, resolving to revert her to the post of Tamil Pandit. Accordingly, the first respondent school submitted a proposal to the District Elementary Education Officer and the Assistant Elementary Education Officer. Since no orders were passed on the said proposal submitted by the first respondent school, the first respondent school preferred the instant writ petition seeking a writ of mandamus directing the third respondent to approve its proposal with regard to reversion of the appellant from the post of Headmaster to the post of Tamil Pandit.

3.2 The learned Single Judge, considering the limited scope of the prayer sought by the first respondent school, directed the third respondent to consider and pass orders on the first respondent school's proposal, on merits and in accordance with law, after notice to the appellant.

3.3 Feeling aggrieved by the said order, the appellant, who was the fourth respondent in the writ petition, has preferred this intra-Court appeal.

4 Today, when the matter is taken up for admission, the learned counsel for the appellant submits that pursuant to the order impugned herein rendered by the learned Single Judge, the appellant has been reverted. It is further stated that the impugned order was passed without affording an opportunity of hearing to the appellant, who was the fourth respondent in the said writ petition.

5 Regard being had to the fact that pursuant to the order of the learned Single Judge sought to be impugned herein, consequential order of reversion has been passed, which is under assail in W.A.Nos.381 and 382 of 2016, wherein, an order of

status quo has been granted, thus, the instant intra-Court appeal has become infructuous.

Accordingly, this intra-Court appeal is dismissed as having become infructuous. Costs made easy. Connected C.M.P. is closed.
cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Director of Elementary Education
DPI Campus, College Road, Chennai 600 006.
 2. The District Elementary Education Officer
Vellore - 4.
 3. The Assistant Elementary Education Officer
Walajah East, Ranipet
Vellore District 632 401.
- + 1 cc to Mr.K.H.Ravikumar, Advocate Sr 24594
+ 3 ccs to Mr.R.Neelakandan, Advocate Sr 24644
+ 1 cc to The Govt.Pleader, Sr 24930

KR/27/4/16

W.A.No.474 of 2016

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