



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

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Writ Petition (MD) Nos.10711 of 2015 and 13446 of 2016

and

W.M.P(MD)No.10060 of 2016

Hindu Higher Secondary School,
Arumuganeri 628 202,
Thoothukudi District,

Rep by its Secretary ... Petitioner in W.P(MD)No.10711 of 2015

P.M.Perumal ... Petitioner in W.P(MD)No.13446 of 2016

Vs.

1.The Chief Educational Officer,
Tuticorin, Tuticorin District

... 1st Respondent in both W.Ps

2.P.M.Perumal

... 2nd Respondent in
W.P(MD)No.10711 of 2015

3.The Hindu Higher Secondary School,
Rep by its Secretary,
Arumuganeri,
Thoothukudi District.

... 2nd Respondent in
W.P(MD)No.13446 of 2016

Prayer in W.P(MD)No.10711 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to grant approval for the dismissal of the 2nd Respondent in terms of Section 22 of the Tamil Nadu Recognized Private School (Regulation) Act 1973 by considering the petitioner's application dated 06.04.2015 within the period that may be stipulated by this Court.

Prayer in W.P(MD)No.13446 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to join duty in the second respondent school and allow him to retire on superannuation.

For Petitioner : Mr.C.T.Perumal
(W.P(MD)No.13446 of 2016)

<https://hcservices.ecourts.gov.in/hcservices/> For Petitioner : Mr.M.E.Ilango
(W.P(MD)No.10711 of 2015)



For 1st Respondent : Mr. Aaiyuram K. Selvakumar,
in both petitions Government Advocate.

For 2nd Respondent : Mr. M. E. Ilango
(W.P(MD) No. 13446 of 2016)

For 2nd Respondent : Mr. C. T. Perumal
(W.P(MD) No. 10711 of 2015)

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COMMON ORDER

W.P(MD) No. 10711 of 2015 has been filed seeking for the issuance of a writ of mandamus, directing the Chief Educational Officer, Tuticorin to grant approval for the dismissal of the second respondent in terms of Section 22 of the Tamil Nadu Recognized Private School (Regulation) Act, 1973 by considering the application of the petitioner, dated 06.04.2015 within the time stipulated by this Court.

2. W.P(MD) No. 13446 of 2016 has been filed seeking for the issuance of a writ of mandamus, directing the respondents to permit the petitioner to join duty in the second respondent school.

3. It is submitted that as the first respondent till date has not given approval to the order of dismissal of the second respondent as per Section 22 of the Tamil Nadu Recognized Private School (Regulation) Act, 1973, a copy of the said order has not been served on the petitioner in W.P(MD) No. 13446 of 2016.

4. Learned counsel appearing for the second respondent school would submit that even after the completion of the enquiry on two occasions, letters were issued to the petitioner directing him to come and join duty since the period of four months time period of suspension had already come to an end. However, the writ petitioner in W.P(MD) No. 13446 of 2016 has not turned up. Adding further he would contend that when today (29.07.2016) being the last date of his service, he cannot ask for direction to join duty in the second respondent school for the reason that the last date of his retirement has come to an end. I find merits on the submission made by the learned counsel for the second respondent school and therefore, no purpose would be served by giving direction to the second respondent to permit him to join duty. Hence, W.P(MD) No. 13446 of 2016 is dismissed. Insofar as W.P(MD) No. 10711 of 2015 is concerned, W.P(MD) No. 10711 of 2015 is disposed of with a direction to the first respondent to consider the request of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD) No. 10060 of 2016 is closed.

Sd/-

Assistant Registrar (Record)

/True Copy/



To

The Chief Educational Officer,
Tuticorin, Tuticorin District.

+2cc to M/S.C.T.Perumal, Advocate SR.No.41052 and 41053
+1cc to Mr.M.E.Ilango, Advocate SR.No.40798

Writ Petition (MD) Nos.10711 of 2015
and 13446 of 2016
and
W.M.P (MD) No.10060 of 2016

29.07.2016

SD/SS2/18.08.2016/3P/5C