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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE C.T.SELVAM

W.A. (MD) Nos.33 and 34 of 2016
in
W.P. (MD) Nos.19336 and 20702 of 2015
and
CMP (MD) No. 260 of 2016

W.A. (MD) No.33 of 2016:

- 1.The Director of School Education,
College Road, Chennai 600 006.
- 2.The District Educational Officer,
Srivilliputhur, Virudhunagar District.
- 3.The Headmaster,
Sevuga Pandya Government Higher
Secondary School,
Rajapalayam,
Virudhunagar District.

.. Appellants/Respondents 1 to 3

Vs.

- 1.Minor A.Kishore,
Rep. By its father Anbu

.. 1st Respondent/Writ Petitioner.

- 2.The Headmaster,
R.C.Higher Secondary School,
Meenakshipuram, Muhavoor,
Rajapalayam - 626 111,
Virudhunagar District.

- 3.Minor K.Ashok
rep. By his father Kamaraj

.. Respondents 2 & 3 / Respondents 4 & 5

W.A. (MD) No.34 of 2016:

- 1.The Director of School Education,
College Road, Chennai 600 006.
- 2.The Chief Educational Officer,
Virudhunagar - 626 006,
Virudhunagar District.
- 3.The District Educational Officer,
Thiruvilliputhur,
Virudhunagar District.



4.The President,
District Sports Committee cum
District Educational Officer,
Thiruvilliputhur,
Virudhunagar District.

5.The District Inspector of Physical Education,
Ramnad, Ramnad District.

.. Appellants/Respondents

Vs.

The Headmistress,
R.C.Higher Secondary School,
Meenakshipuram, Muhavoor,
Rajapalayam - 626 111,
Virudhunagar District.

.. Respondent/Writ Petitioner

COMMON PRAYER: The Writ Appeals are filed under Clause 15 of Letters Patent against the order of this Court, dated 23.11.2015 made in W.P(MD) No.20702 of 2015 and WP(MD). 19336/ 2015.

Prayer in WP(MD). 19336/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 15.10.2015 and quash the same and consequently forbear the 4th and 5th respondents from any way participating in the proposed district level Kabadi Competition to be held at 3rd respondent.

Prayer in WP(MD). 20702/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue WRIT OF CERTIORARIFIED MANDAMUS calling for the records relating to the impugned proceedings issued by the 4th respondent President, District Sports Committee cum District Educational Officer in Na.Ka.No.3081/A5/2015 dated 18.11.2015 and the consequential proceedings issued by the 5th respondent in Na.Ka.No.58/2015 dated 18.11.2015 QUASH THE SAME and further DIRECT the respondents 3 to 5 to re-do the District Level Kabadi competition held on 19.11.2015 by permitting the petitioner team to participate.

For Appellants

in both W.As. : Mr.VR.Shanmuganathan
Special Government Pleader

For respondent

in W.A.No.34/16

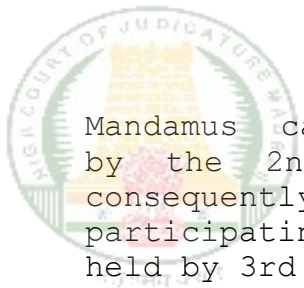
and For R2 in

W.A.No.33/16 : Mr.Issac Mohanlal

COMMON JUDGMENT

(Judgment of this Court was delivered by S.MANIKUMAR, J.)

Writ Appeal No.34 of 2016 has been filed as against the order made in W.P.(MD)No.20702 of 2015. Writ Petition in W.P.(MD)No.19336 of 2015 has been filed by one A.Kishore for issuance of Writ of Certiorarified



Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent dated 15.10.2015 and quash the same, and consequently to forbear the 4th and 5th respondents from any way participating in the proposed district level Kabadi Competition to be held by 3rd respondent.

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2.Writ Petition in W.P.(MD)No.20702 of 2015 has been filed by the Headmistress of R.C.Higher Secondary School, Meenakshipuram, Muhavoor, Virudhunagar District for issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings issued by the President, District Sports Committee cum District Educational Officer in Na.Ka.No.3081/A5/2015, dated 18.11.2015 and the consequential proceedings issued by the District Inspector of Physical Education, Ramnad, Ramnad District/5th respondent therein in Na.Ka.No.58/2015, dated 18.11.2015 and quash the same and for a further direction to the respondents 3 to 5 therein, to re-do the District Level Kabadi competition held on 19.11.2015, by permitting the petitioner's team, to participate.

3.As both the writ petitions relate to the District Level Kabadi Competition, writ court has taken up the writ petitions for joint hearing. Considering the submissions of the parties therein, by a common order, dated 23.11.2015 in W.P.(MD)Nos.19336 and 20702 of 2015, the writ court has set aside the proceedings, dated 18.11.2015 of the President District Sports Committee cum District Educational Officer, Virudhunagar District.

4. Insofar as the prayer in W.P.(MD)No.19336 of 2015 filed by minor K.Ashok represented by his father, is concerned, the writ court held that one of the players of T.N.P.M.M.N. Higher Secondary School is not entitled to seek for the prayer sought for. Thus, by a common order, dated 23.11.2015, the writ Court, dismissed W.P.(MD)No.19336 of 2015, and allowed W.P.(MD)No.20702 of 2015, by quashing the proceedings, dated 18.11.2015 of the District Inspector of Physical Education, Ramnad, Ramnad District and consequently, the writ court has issued a direction to the respondents therein, to conduct District Level Competition, on any day again, and permitted R.C.Higher Secondary School, Meenakshipuram team, to participate in the place of T.N.P.M.M.N. Higher Secondary School team. The Writ Court has further directed that after conducting the District Level Competition, as stated supra, the District Educational Officer, would fix the date for the Divisional Level Competition.

5.Mr.A.Kishore, writ petitioner in W.P.(MD)No.19336 of 2015 has not preferred any appeal. Being aggrieved over the common order dated 23.11.2015, the Education Department has preferred the instant appeals.

6.The District Educational Officer, vide letter dated 15.10.2015 has acted on the complaint of the Headmistress of T.N.P.M.M.N. Higher Secondary School, Thalavaipuram and taking note of the order passed by the learned Magistrate, Sankarankovil, has permitted K.Ashok, student of R.C.Higher Secondary School, Meenakshipuram to participate in District Level Kabadi Competition. Subsequently, after enquiry, vide order dated 18.11.2015, the President District Sports Committee cum District Educational Officer has disqualified R.C.Higher Secondary School team, Meenakshipuram from participating in the District Level Kabadi Competition.



7.Yesterday (14.03.2016), we have heard the learned counsel counsel appearing for both sides. Today, Mr.Issac Mohanlal, learned counsel appearing for the respondent in Writ Appeal No.34 of 2016/Headmistress, R.C.Higher Secondary School, Meenakshipuram, Virudhunagar District submitted that Writ Petition (MD)No.20702 of 2015 filed to quash the disqualification order passed in Na.Ka.No.3081/A5/2015, dated 18.11.2015, be permitted to withdrawn. He has also made an endorsement to that effect. Thus R.C.Higher Secondary School, Meenakshipuram, Virudhunagar District is not inclined to challenge the order of disqualification, dated 18.11.2015.

8.Today, Mr.VR.Shanmuganathan, learned Special Government Pleader submitted that, in view of the disqualification order, dated 18.11.2015, Education Department would withdraw W.A.(MD)No.33 of 2016. His submission is placed on record.

9.Placing on record the submission of the learned counsel for the respondent and the endorsement made, W.P.(MD)No.20702 of 2015, is dismissed as withdrawn. When W.P.(MD)No.20702 of 2015 itself is withdrawn, consequently the order made in W.P.(MD)No.20702 of 2015, dated 23.11.2015 stands rescinded.

10.In view of the above, no further adjudication is required in the present Writ Appeal (MD)No.34 of 2016. In view of the submission of Mr.VR.Shanmuganathan, learned Special Government Pleader, W.A.(MD)No.33 of 2016 is withdrawn and dismissed. Accordingly, both the appeals are dismissed.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Director of School Education, College Road, Chennai 600 006.
- 2.The District Educational Officer, Srivilliputhur, Virudhunagar District.
- 3.The Headmaster,Sevuga Pandya Government Higher Secondary School, Rajapalayam, Virudhunagar District.
- 4.The Chief Educational Officer, Virudhunagar-626 006, Virudhunagar District.
- 5.The President, District Sports Committee cum District Educational Officer, Thiruvilliputhur, Virudhunagar District.
- 6.The District Inspector of Physical Education, Ramnad, Ramnad District.

+1CC to M/S.Isaac Mohanlal, Advocate, SR.No. 14696
+1CC to the Special Government Pleader, SR.No. 14960

W.A. (MD) Nos.33 and 34 of 2016
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