



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.03.2016**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.MANIKUMAR**

**and**

**THE HONOURABLE MR. JUSTICE C.T.SELVAM**

**W.A. (MD)No.442 of 2016**

**and**

**CMP. (MD)No.3140 of 2016**

**in**

**W.P. (MD)No.7408 of 2005**

Nagamani Marthandan @ C.Kandipan .. Appellant

Vs.

1.The Director of School Education,  
College Road, Chennai - 6.

2.The District Elementary Education Officer,  
Thoothukudi.

3.Assistant Elementary Education Officer,  
Udangudi, Thoothukudi.

4.N.Rajagopal .. Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent against the order of this Court, dated 21.09.2007 in W.P.(MD) No.7408 of 2005.

Prayer in WP(MD). 7408/ 2005 :

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 of the 2nd respondent in and his proceedings in Mu.Mu.No. 6369/A5/2004 dated 03/03/2005 and quash the same and consequently direct the Respondents 1 to 3 to appoint the petitioner as a correspondent and secretary of the Hindu Primary school, Theethathapuram, Thiruchendur taluk.

For Appellants : Mr.L.Madhusudhanan  
For R1 to R3 : Mr.VR.Shanmuganathan  
Special Government Pleader  
For R4 : Mr.Narmathan  
for  
Mr.G.Prabhu Rajadurai

JUDGMENT

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

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Order impugned in the writ petition, dated 03.03.2005, relates to appointment of Mr.Rajagopal as the Correspondent and Secretary of the School for a period from 02.06.2004 to 31.05.2007.

2.In view of the above Mr.VR.Shanmuganathan, learned Special Government Pleader submitted that nothing survives as on today for further adjudication, on the correctness of the order dated 03.03.2005, as the tenure of the said Mr.Rajagopal has expired. Order dated 03.03.2005 is reproduced hereunder:-

"OFFICER OF THE DISTRICT ELEMENTARY EDUCATION,  
THOOTHUKUDI

Mu.Mu.No.6369 A5 04 dated 03.03.2005

Sub: Elementary Education - Udangudi Panchayat-  
Theethathapuram - Primary Schhol - consent  
for appointment of Correspondent and  
Secretary - reg.

Ref: 1. Udangudi Assistant Elementary Education  
Office Na.Ka.No.359/A1/04, dt.3/11/2004.  
2.Madurai Bench letter dt. 22/5/2005.  
3.Resolution of the Director of Tamil Nadu  
Elementary Education dt. 13.11.2009.

Since, there arose administrative problems due to the death of Mr.Nagamani Marthandan, the Correspondent & Secretary of Hindu Primary School, Theethathapuram, Udangudi Panchayat, Tuticorin District on 04.01.1999, as per Court order, Mr.Rajagopal, 3<sup>rd</sup> son of Mr.Nagamani Marthandan is appointed as the Correspondent & Secretary of the School for a period from 02.06.2004 to 31.05.2007. The term of office of the Secretary is to be renewed once in three years.

Condition

To abide by the rules and regulation laid down in Tamilnadu Private School Regulations Act, 1973 and Rules 1974.

sd/-

District Elementary Officer, Thoothukudi.



To:  
Assistant Elementary Education Officer,  
Udangudi.

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CC. to:  
Mr.N.Rajagopal,  
Secretary,  
Hindu Primary School  
Theethathapuram,  
Udangudi Panchayat."

3.As rightly submitted that tenure of Mr.Rajagopal has expired on 31.05.2007 and nothing survives in this writ appeal and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/  
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1.The Director of School Education,  
College Road, Chennai - 6.

2.The District Elementary Education Officer,  
Thoothukudi.

3.Assistant Elementary Education Officer,  
Udangudi, Thoothukudi.

+1cc to M/s.C.R.Swaminathan, Advocate in Sr.No.16642

+1cc to M/s.M.P.Senthil, Advocate in Sr.No.16596

CN/SKS-SK/31.03.2016/3P-7C

W.A. (MD) No.442 of 2016  
and  
CMP. (MD) No.3140 of 2016  
in  
W.P. (MD) No.7408 of 2005