

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 5.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.30 and 31 of 2017  
and  
C.M.P.Nos.430 to 432 of 2017

C.Sagayaraj Appellant/Petitioner(in both)

Versus

1. The District Educational Officer,  
Krishnagiri District, Krishnagiri.
2. The Manager,  
R.C.Schools,  
Dharmapuri & Krishnagiri District,  
Bharathipuram, Dharmapuri 636 704.
3. The Correspondent,  
R.C.Fathima Boys High School,  
Bangalore Road, Krishnagiri 635 001.

4. A.Sekar Respondents/Respondents  
(in both)

Prayer: Writ Appeals filed filed under Clause 15 of the Letters Patent against the order dated 21.10.2016 passed in W.P.Nos.17585 and 30872 of 2015 on the file of this court.

Prayer in WP 17585 of 2015:Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the impugned proceedings issued by the 2nd Respondent in Ref. D.O.S. No.09 of 2015 dated 29.05.2015 and to quash the same

WP.No.30872 of 2015:Writ Petition filed under Article 226 of the Constitution of India to call for the records relating to the impugned proceedings issued by the 1st respondent in O.Mu.No. 1040/Aa3/15 of 2015 dated 01.09.2015 and to quash the same and consequently directing the Respondents 1 to 3 to restore the petitioner to the post of Headmaster (in-charge) in R.C.Fathima High School Krishnagiri.

For appellant : Mr.A.Maheshnath for  
Mr.G.Sankaran

For R1 : Mr.R.Prathapkumar, AGP  
For R2 : Ms.A.Arulmary

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. It appears that against challenging the order passed by the second respondent transferring the appellant to St.Antony's Higher Secondary School Elathagiri from the post of In-charge Headmaster to BT Assistant and the order of approval of such transfer passed by the first respondent, the appellant had filed the writ petitions, which came to be dismissed. Challenging the order passed by the learned Single Judge, the present writ appeals have been filed.

3. It is brought to the notice of this court that in the meanwhile, the appellant had been dismissed from service for not reporting for duty to the transferred place, on conduct a Departmental enquiry and having found that he is guilty of the charges. However, it is submitted that remedy open to the appellant as of now is to file an appeal against the penalty imposed.

4. Since the writ appeals are filed against the order passed by the learned Single Judge wherein the order of transfer and its approval were the subject matters and now, his services were terminated, nothing survives for consideration in these writ appeals. It is for the appellant to file appeal before the appellate authority to get an order of reinstatement first and only thereafter, the question of cancellation of transfer order would arise for consideration. Therefore, the writ appeals are disposed of. It is left open to the appellant to raise all the tenable grounds in the appeal before the Department as against the order of termination of his services. No costs. The connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

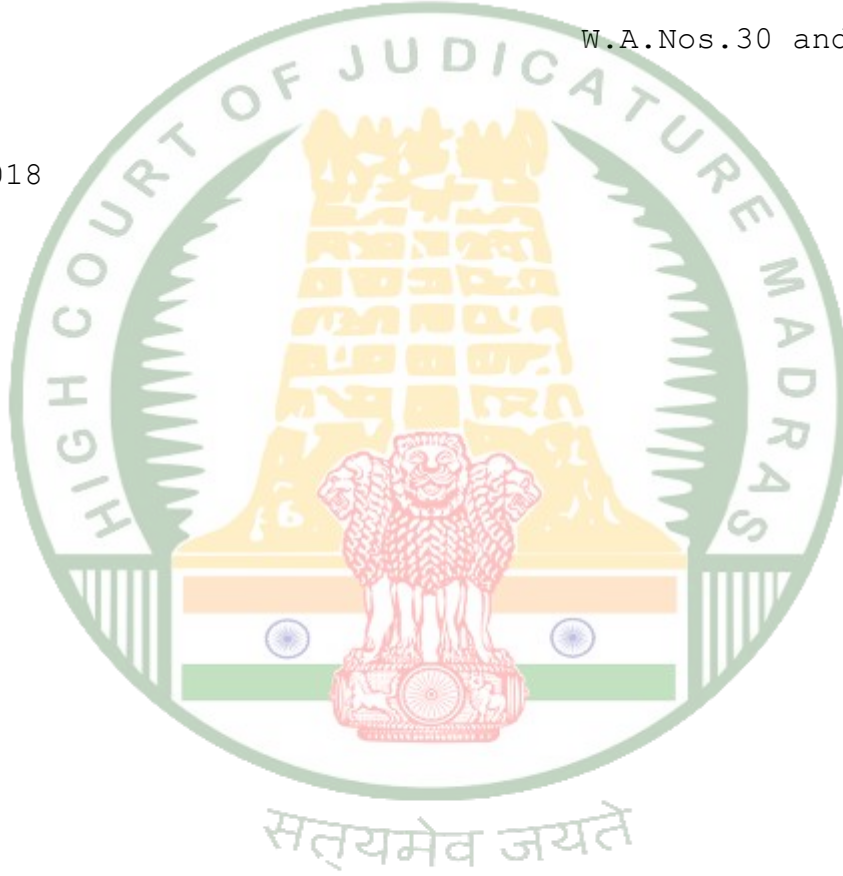
To:

1. The District Educational Officer,  
Krishnagiri District, Krishnagiri.

+1 cc to M/s.G.Sankaran Advocate sr 86239  
+2 ccs to M/s.A.Arulmary Advocate sr 86646  
+1 cc to the Govt Pleader sr 86866

W.A.Nos.30 and 31 of 2017

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