

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.03.2017

CORAM

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

W.A. NOS. 381 & 382 OF 2016
AND
W.M.P. NOS. 5587 & 5588 OF 2016

N.Deepa Gopika .. Appellant in both the appeals/Petitioner

- Vs -

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.
4. Sri Krishna Vidhyalaya
Aided Middle School
rep. By its Manager
N.Jaisri Kothai, Ranipet
Vellore District.

5. Mrs. Jaisri Kothai

6. Mr. Shyam Prabhu

.. Respondents in both the appeals/Respondents

Appeals filed under Clause 15 of the Letters Patent,
against the order of the learned Single Judge dated 11.3.2016
made in W.M.P. Nos. 8226 and 8227 of 2016 in W.P. No.9256 of
2016.

WMP.No.8226/2016:Petition filed under Article 226 of
Constitution of India,praying to grant interim injunction
restraining the 4th Respondent from appointing anybody in the
post of Head Master of 4th Respondent School pending disposal of
WP.NO.9256 of2016.

WMP.No.8227/16:

Petition filed under Article 226 of Constitution of India,praying to grant interim stay of the impugned order in Na.Ka.No.4369/B4/2016 dated 15.02.2016 on the file of the 2nd Respondent and its all further proceedings pending disposal of WP.No.8227 of 2016.

W.P.No.9256 of 2016:

Petition filed under Article 226 of Constitution of India,praying Calling for the records pertaining to the impugned order in Na.Ka.No.4369/B4/2016 dated 15.02.2016 on the file of the 2nd Respondent and quash the same; consequentially direct the Respondents to permit the petitioner to continue to work as Head Master of the 4th Respondent School Without any disturbances Whatsoever till her retirement.

For Appellant : Mr. R.Venkatesan

For Respondents: Ms. Dhakshayini Reddy for
M/s. K.H.Ravikumar for RR-4 & 5
Mr. R.Vijayakumar, AGP for RR-1 to 3

JUDGMENT

(DELIVERED BY THE HON'BLE ACTING CHIEF JUSTICE)

These appeals are preferred against the order passed by the learned single Judge whereby the prayer of the appellant for an interim order was rejected.

2. Heard the learned counsel appearing for the appellant, the learned Addl. Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for respondents 4 and 5.

3. A perusal of the prayer in the main writ petition and the interim application discloses that both the prayers are one and the same and, therefore, any interim relief granted in the interim application would almost amount to allowing the main petition itself without testing the merits of the issue. Therefore, the prayer for interim relief was rightly rejected by the learned single Judge.

4. A Division Bench of this Court in R.Kannan - Vs - Indcem Electronics Ltd. has held that no intra court appeal is maintainable against an interim order as any order passed in an interim application cannot be termed as a judgment within the meaning of Clause 15 of the Letters Patent. The ratio laid down in the abovesaid decision is squarely attracted to the present case on hand.

5. In that view of the matter, without going into the issue any further, we relegate the appellant herein to pursue his remedy before the learned single Judge in the main petition. The parties shall pursue the main writ petition, which shall be listed before the learned single Judge on 06.04.2017, on which date the parties shall proceed further in the matter before the learned single Judge.

6. These writ appeals are disposed of with the aforesaid observations and directions. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

GLN

To

1. The Director of Elementary Education
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Chennai 600 006.
2. The District Elementary Education Officer
Vellore - 4.
3. The Assistant Elementary Education Officer
Walajah East, Ranipet
Vellore district 632 401.
4. The Manager, Sri Krishna Vidhyalaya Aided Middle School,
Ranipet, Vellore.

+lcc to Mr.K.H.Ravikumar, Advocate sr.19013

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W.A. NOS.381 & 382 OF 2016

GjII(co)
ss(17/4/2017)