

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

WP.No.12650 of 2004
and WMP.No.14761 of 2004

M.Dawood Batcha

.. Petitioner

Versus

1.The District Educational Officer,
Raj Buildings,
Mayiladuthurai.

2. The Correspondent,
Oriental Arabic Higher Secondary School,
Akkur Post, Nagapattinam District.

3.A.Arokia Samy S/o.Anotny Samy

.. Respondents

(R3 impleaded as per order
dated 02/11/2014 made in
WMP.No.19914/2004)

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus call for the records relating to the order of the first respondent dated 23.03.2004 issued in the reference Na.Ka.No.4904/A1/2002 and quash the same and direct the first respondent to approve the appointment of the petitioner as Headmaster in the second respondent school with effect from 01.06.2002 with all consequential benefits.

For Petitioner : Mr.Muthukannau

For Respondents : Mr.R.Govindasamy,
Special Government Pleader
M/s.R.Karthikeyan for R2
M/s.S.Senthilnathan for R3

ORDER

The petitioner has filed the above writ petition for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent dated

23.03.2004 issued in the reference Na.Ka.No.4904/A1/2002 and quash the same and direct the first respondent to approve the appointment of the petitioner as Headmaster in the second respondent school with effect from 01.06.2002 with all consequential benefits.

2. On the earlier occasion, one Arockiasamy, who is working as a B.T. Assistant in that school, after refusing to attend the interview filed an appeal, challenging the petitioner's appointment as Headmaster and the appeal has been rejected by an order dated 24.10.2002.

3. Without exhausting the appeal remedy, the petitioner has filed the writ petition before this court. Hence, I am of the view that the petitioner should exhaust the appeal remedy before the Joint Director of School Education.

4. Accordingly, the writ petition is dismissed giving liberty to the petitioner to file an appeal before the Joint Director of School Education, as expeditiously as possible. On filing the appeal, the Joint Director of School Education, shall decide the appeal preferred by the petitioner, in accordance with law as expeditiously as possible from the date of presentation of the appeal. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rka

1.The District Educational Officer,
Raj Buildings,
Mayiladuthurai.

2. The Correspondent,
Oriental Arabic Higher Secondary School,
Akkur Post, Nagapattinam District.

3. The Joint Director of School Education
Chennai-6

+1 cc to M/s.R.Karthikeyan Advocate sr 57021
+1 cc to the Government Pleader sr 57902

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