



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.554 of 2017

and

C.M.P. (MD) No.4620 of 2017

K.Nagoor Kani

... Appellant/Petitioner

-vs-

1.The State of Tamil Nadu

Rep by its Secretary,

Department of School Education Department

St.George Fort, Chennai.

2.The Joint Director of School Education

(Secondary education)

College Road, Chennai

3.The Director of School Education

College Road, Chennai

4.The Chief Educational Officer

Tirunelveli District, Tirunelveli

5.The District Educational Officer

Thenkasi, Tirunelveli District

6.Balasing Ponraj

The District Educational Officer

Thenkasi, Tirunelveli District.

...Respondents 1 to 6/

Respondents 1 to 5/ Respondents 1 to 5

7.Mohideenia High School

Rep by its, Manager

M.Asan Mohamed

Vasudevanallur

Tirunelveli District.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 25.04.2017 in W.M.P (MD) No.6057 of 2017 in W.P. (MD).No.7791 of 2017, on the file of this Court.

Prayer in WMP(MD). 6057/ 2017 :

To grant Ad-Interim Stay of operation of the impugned order passed by the 2nd respondent in his proceedings **ந.க.எண்.17839/2017** dated 13.03.2017 (served to the petitioner only on 04.04.2017) pending disposal of the above writ petition.



Prayer in WP(MD). 7791/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate writ or order or direction in the nature of writ calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.17839/G1/E2/2017, dated 13.03.2017 (served to the petitioner only on 04.04.2017) and quash the same as illegal .

For Appellant : Mr.S.Chellapandian

For Respondents : Mr.V.R.Shunmuganathan
Special Government Pleader for R1 to R5

J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.S.Chellapandian, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 5.

2. This writ appeal by the third party is directed against the order, dated 25.04.2017 in W.M.P (MD) No.6057 of 2017 in W.P.(MD). No.7791 of 2017.

3. We find that the impugned order is an interim order and it is restricted only for a period of six weeks and the miscellaneous petition is yet to be disposed of. The record of the proceedings shows that the appellant is a third party, who sought for leave to file this appeal and leave was granted by this Court and it appears that no notice was issued to the writ petitioner.

4. Be that as it may, it is always open to the appellant to seek for impleadment of himself in the writ petition as the same is still pending and the stay petition is also not yet disposed of. Therefore, we are not inclined to entertain this appeal. However, it is open to the appellant to make out his rights in accordance with law.

5. In the result, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



To:

1. Secretary to Government,
Department of School Education Department,
St. George Fort, Chennai.

2. The Joint Director of School Educational,
(Secondary education),
College Road, Chennai.

3. The Director of School Education,
College Road, Chennai.

4. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

5. The District Educational Officer,
Thenkasi, Tirunelveli District.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.58321

+1cc to M/s.S.CHELLA PANDIAN Advocate in SR. No.58039

IA/KRK

JS/KP/SAR.3/12.6.2017/3P-8C

W.A. (MD) No.554 of 2017

and

C.M.P. (MD) No.4620 of 2017

01.06.2017