



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.08.2017

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CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A.[MD].No.71 of 2017
and
C.M.P. (MD) No.607 of 2017

S.Akbar Ali

... Appellant

Vs.

1. The Director of School Education,
Chennai.
2. The Chief Educational officer,
Sivagangai, Sivagangai District.
3. The District Educational Officer,
Sivagangai, Sivagangai District.
4. The Correspondent,
Ilayangudi High Secondary School,
Ilayangudi, Sivagangai District.

5.O.M.Khader Batcha,
6.A.E.Johan Mohammed
7.A.Kamal Batcha

... Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 07.07.2011 passed in W.P.(MD) No.9520 of 2005 on the file of this Court.

Prayer in WP(MD) . 9520/ 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 pertaining to the order passed by the 4th respondent in his Proceedings in Na.ka.No. 1/A2/2004 dated 07/08/2005 and quash the same, and to direct the Respondents to confer all the consequential benefits to the petitioner



For Appellant
For Respondent

: Mr.T.Lajapathi Roy
: Mr.T.S.Md. Mohideen, AGP for
RR1 to 3
Mr.R.Devaraj, for R4

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JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal, challenging the order dated 07.07.2011 made in W.P.(MD) No.9520 of 2005

2.The appellant was employed as a teaching staff in Ilayangudi Higher Secondary School. The Correspondent of the said School terminated the appellant's services by order dated 07.08.2005. This was challenged by the appellant in W.P.(MD) No.9520 of 2005. The learned Judge took the view that the writ petitioner should have availed the statutory appeal remedy. In that view of the matter, the writ petition was dismissed,

3.The learned counsel for the appellant rightly pointed out that the appellant being an employee of an aided minority school cannot avail the appeal remedy under Section 18 of the Tamil Nadu Private School Regulations Act, 1973. The learned Judge erred in dismissing the writ petition. An employee of an aided minority school in Tamil Nadu is entitled to approach the Writ Court directly in the first instance as he has no other remedy available to him.

4.We therefore set aside the order dated 07.07.2011 dismissing W.P.(MD) No.9520 of 2005. The matter is remanded for fresh consideration. We direct the Registry to post the writ petition before the concerned Judge as per roster. We request the learned Judge to give priority for disposal of the writ petition as it is of the year 2005.

5.The writ appeal stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(cs-ii)

/True copy/

Sub Assistant Registrar



To

1. The Director of School Education,
Chennai.

2. The Chief Educational officer,
Sivagangai, Sivagangai District.

3. The District Educational Officer,
Sivagangai, Sivagangai District.

+ 1 CC TO MR.T.Lajapathi Roy , ADVOCATE IN SR No. 72505

+ 1 CC TO MR.R.Devaraj , ADVOCATE IN SR No. 72191

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72636

Arul/skm

MK/MR KKR/SAR-3/06.09.2017/3P/7C

**W.A. [MD] .No.71 of 2017
and**

**C.M.P. (MD) No.607 of 2017
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