



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2017

C O R A M

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.22505 of 2017

S.U.Abubackar

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Swamy Nellaiyappar Nedunchaalai,
Tirunelveli.

2.The Assistant Elementary Educational Officer,
Kadayanallur,
Tirunelveli District.

3.The Manager,
Masood Thaika Middle School,
Kadayanallur,
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondents to appoint the vacancies in teaching Staffs within a stipulated time limit.

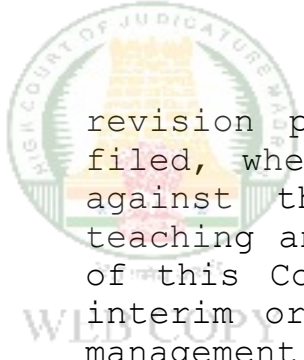
For Petitioner : Mr.S.Meenakshi Sundaram,
Senior Counsel for Mr.N.GA.Natraj
For Respondents : Mr.M.Alagathevan
Special Government Pleader
for R.1 & R.2

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondents 1 & 2. Notice to the third respondent is dispensed with, as no adverse order is going to be passed.

3. The petitioner, being the President of the Parent Teachers Association of the third respondent School, is before this Court and according to him, the third respondent School, which was established in 1930's, is administered by Minority Management and aided by the Government. Because of some litigations aroused among the management, with regard to managing the school, two civil



revision petitions in CRP(MD)Nos.324 & 533 of 2005 came to be filed, wherein, an interim injunction was granted on 28.03.2005, against the third respondent from making any appointment to teaching and non-teaching posts in the school, without prior order of this Court. The grievance of the petitioner is that the said interim order was granted as early as in the year 2005 and the management of the third respondent School is not taking any effective steps to proceed further with the case, so as to make prompt appointments, which is not only damaging the name and fame of the School, but also affecting the studies of the students. Aggrieved by the inaction on the part of the third respondent School, the petitioner, in his individual capacity as well as in his capacity as the President of Parent Teachers Association, has submitted a representation dated 20.11.2017 before the third respondent School for necessary action and as the same is kept pending, he is before this Court.

4. Though the prayer in this writ petition is to direct the respondents to fill-up the vacancies in teaching staffs in the third respondent School, the learned Counsel for the petitioner now confines his prayer and submitted that as the representation dated 20.11.2017, contains the details with regard to the vacancies available in the third respondent School, it would suffice, if the same is directed to be considered by the official respondents herein, within a stipulated time limit.

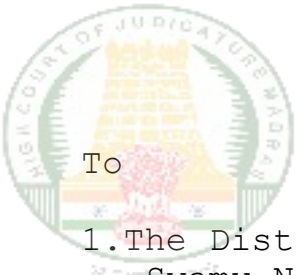
5. At this juncture, the learned Special Government Pleader, on instructions, submitted that the petitioner has not submitted any representation before the authorities, till date and he fairly submitted that as and when, a representation, in this regard, is filed by the petitioner, the same will be looked into, by the authorities concerned, in a time bound manner, since the issue concerns about the studies of the students.

6. Under such circumstances, this writ petition is disposed of, directing the petitioner to submit a copy of the representation dated 20.11.2017, along with a copy of this order to the respondents 1 & 2, within a period of two weeks from the date of receipt of a copy of this order and on such filing, the respondents 1 & 2, shall take a decision thereon, keeping in mind the pendency of the aforesaid civil revision petitions and all the orders passed thereon, after hearing the petitioner as well as the third respondent and all the other interested parties, if any, within a period of four weeks, thereafter. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/



To

1.The District Elementary Educational Officer,
Swamy Nellaiyappar Nedunchaalai,
Tirunelveli.

2.The Assistant Elementary Educational Officer,
Kadayanallur,
Tirunelveli District.

+1CC to Mr.N.Ga.Natraj, Advocate, SR.No. 92144
+1CC to Mr.T.Pon Ramkumar, Advocate, SR.No. 92075
+1CC to the Special Government Pleader SR.No.92218

W.P. (MD) No.22505 of 2017
11.12.2017

gk

AM/JC/SAR 4/26.12.2017/3P/6C