



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIANWrit Petition(MD)No.8681 of 2013andM.P(MD)No.1 of 2013

Padmavathy

... Petitioner

Vs.

- 1.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 006.
- 2.The District Elementary Educational Officer,
Virudhunagar.
- 3.The Additional Assistant Elementary Educational
Officer, Rajapalayam, Virudhunagar District.
- 4.M.Venkataswamy Naicker,
Sattikinathupatti @ Thiruvengatapuram
R.Reediyapatti Post,
Keezharajakularaman via,
Rajapalayam Taluk,
Virudhunagar District.
- 5.S.Krishnasamy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus, to direct the second respondent to pass orders on the petitioner's application dated 14/02/2013 to transfer the educational agency of Hindu Primary school Sattikinathupatti Virudhunagar District in her favour.

For Petitioner	:	Mr.R.Subramanian
For Respondents 1-3	:	Mrs.S.Bharathi, Government Advocate.
For 4 th Respondent	:	Mr.V.Sasikumar
For 5 th Respondent	:	Mr.R.Vijayakumar

ORDER

The petitioner seeks a writ of mandamus directing the second respondent to pass orders on her application dated 14.02.2013, seeking transfer of the educational agency of Hindu Primary School, Sattikinathupatti, Virudhunagar District in her

2.It is stated that the fourth respondent who was the Secretary of the Educational Agency had transferred the same to



the petitioner. On the basis of the said transfer, the petitioner had applied to the second respondent for recognition of the said transfer. Since there was no response, the petitioner has come forward with this writ petition. In the interregnum, it appears that there was a civil proceeding regarding the ownership of the educational agency and the civil court, after contest has decreed the suit in favour of the petitioner granting injunction restraining the defendants in the said suit from interfering with the petitioner's right to function as the educational agency of the Hindu Primary School, Sattikinathupatti Virudhunagar District.

3. In view of the said decree, there is no impediment for the second respondent to pass orders on the basis of the petitioner's application. Therefore, there shall be a direction to the second respondent to dispose of the application of the petitioner for the transfer of educational agency dated 14.02.2013 in the light of the pronouncement of the Civil Court in O.S.No.63 of 2013 on the file of the District Munsif Court, Srivilliputhur. It is made clear that the transfer will be subject to the result of any appeal that may be filed by the contesting private respondents against the said decree.

4. The writ petition is disposed of accordingly. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 006.

2. The District Elementary Educational Officer,
Virudhunagar.

3. The Additional Assistant Elementary Educational
Officer, Rajapalayam, Virudhunagar District.

+One cc to Mr.R.Vijayakumar, Advocate, SR.No.54267

+One cc to Mr.R.Subramanian, Advocate, SR.no.54263

sms

RL/6C/2P/RSK/11.5.2017

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and

M.P(MD)No.1 of 2013