

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

WRIT APPEAL NO.257 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

The appellant herein the petitioner in the Writ Petition. He is aggrieved by the interim order passed by the learned Single Judge in WP.MP.No.3373 of 2017 in WP.No.2862 of 2017 dated 30.01.2017.

In the order under appeal, the learned Single Judge observed that, since the appellant was terminated and another person was already appointed-who was also arrayed as a fourth respondent in the Writ Petition, no direction as sought for by the petitioner could be granted at that stage, and the matter requires consideration.

A perusal of the order of appointment issued to the petitioner on 13.07.2016 shows that her services were engaged as an in-charge Principal only on temporary basis; and Clause 4 of the terms and conditions stipulates that the Society could withdraw the services of the in-charge Principal without prior notice if her services were not required/satisfactory/upto the mark.

The right of the Society to withdraw the services of the in-charge Principal when her services are not required is stipulated in the terms and conditions of the appointment order itself. The petitioner was appointed only as an in-charge Principal, and was required to hand over charge whenever somebody else was appointed. In any event, the question whether the fourth respondent herein could have been appointed in the appellant's place is a matter for examination in the Writ Petition after the

fourth respondent is given an opportunity of being heard. We see no error in the order of the learned Single Judge, much less a patent illegality necessitating interference in an intra-Court appeal under Clause 15 of the Letters Patent.

The Writ Appeal fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

6th March 2017
RRB

