

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.03.2018
CORAM
THE HON'BLE MR.JUSTICE R.MAHADEVAN
W.P.No.32400 of 2017

S.Sathiesh

..Petitioner

vs

1.The Central Board of Secondary Education,
Rep.by its Chairman,
Shiksha Kentra, Community Centre,
Preetvihar, New Delhi - 110 092.

2.The Public Grievances Redressal Officer and
Deputy Secretary, Regional Office,
The Central Board of Secondary Education,
New No.3, Old No.1630 A, 'J' Block,
16th Main Road, Anna Nagar,
Chennai - 600 040.

3.The Revenue Divisional Officer, Namakkal.

4.PAVAI VARAM EDUCATIONAL TRUST,
Rep.by its Chairman/Managing Trustee,
Having registered office at
64-C, Rotary Nagar, Rasipuram - 637 408.
Namakkal.

5.The Principal,
PAAVAI VIDYASHRAM
Paavai Vidyashram Nagar NH-7,
R.Puliyampatti, Puduchatram,
Namakkal - 637 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the online representation of petitioner dated 27.10.2017 forwarded to him by 2nd respondent in his letter dated 21.11.2017 in the light of Rule 10(8) of Affiliation Bye-laws of CBSE and pass suitable orders for return of original certificates of petitioner in the custody of 5th respondent.

For Petitioner : M/s.S.Sounthar
For Respondents : M/s.G.Nagarajan for R1 & R2
M/s.A.Raja Perumal AGP for R3
M/s.B.Rabu Manohar for R4 & R5

O R D E R

This writ petition has been filed for a Mandamus, directing the 1st respondent to consider the online representation of the petitioner dated 27.10.2017 forwarded to him by the 2nd respondent in his letter dated 21.11.2017 in the light of Rule 10(8) of Affiliation Bye-laws of CBSE and pass suitable orders, with regard to the return of the original certificates of the petitioner from the custody of the 5th respondent.

2.When the matter was taken up for consideration, the learned counsel for the petitioner and the learned counsel for the respondents 4 and 5 have jointly submitted that with regard to the issue involved herein, the fourth respondent has already filed a suit in O.S.No.107 of 2017 before the Sub Court, Rasipuram, against the petitioner herein for recovery of Rs.1,05,000/- representing the three months salary for resigning his job, in violation of the terms and conditions of the letter of appointment and acceptance dated 20.03.2016 and the same is pending adjudication and hence, appropriate orders may be passed in this writ petition.

3.Considering the facts and circumstances of the case and having regard to the submission made by the learned counsel on either side, this Court directs the respondents 4 and 5 to return the original certificates lying with them, to the petitioner, within a period of two weeks, on filing an undertaking affidavit by the petitioner to the effect that he shall abide by the orders to be passed by the Civil Court concerned in the suit filed against him. The respondents 4 and 5 are at liberty to raise any other claims in the suit filed by them against the petitioner.

4.Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)
//True Copy//

Sub Assistant Registrar

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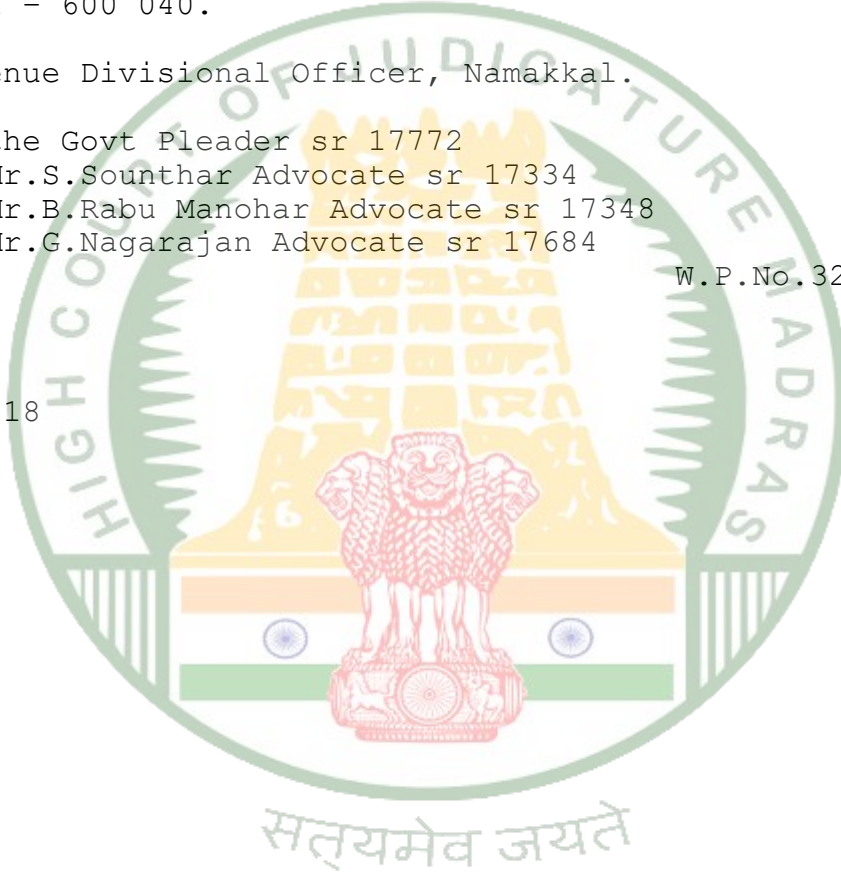
To

- 1.The Chairman,
The Central Board of Secondary Education,
Shiksha Kentra, Community Centre,
Preetvihar, New Delhi - 110 092.
- 2.The Public Grievances Redressal Officer and
Deputy Secretary, Regional Office,
The Central Board of Secondary Education,
New No.3, Old No.1630 A, 'J' Block,
16th Main Road, Anna Nagar,
Chennai - 600 040.
- 3.The Revenue Divisional Officer, Namakkal.

+1 cc to the Govt Pleader sr 17772
+1 cc to Mr.S.Sounthar Advocate sr 17334
+1 cc to Mr.B.Rabu Manohar Advocate sr 17348
+1 cc to Mr.G.Nagarajan Advocate sr 17684

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