

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.Nos.2797 and 2798 of 2012

The Correspondent

St.Francis Higher Secondary School

Vencode, Puthukadai Post

Kanyakumari District 629 171

... Appellant in both appeals

Vs

1.The Secretary to the Govt. of TN

Department of School Education

Fort St.George, Chennai 600 009.

2.The Director of School Education

College Road, Chennai 600 006.

3.The Chief Educational Officer

Nagercoil 629 001

Kanyakumari District.

4.The District Educational Officer

Kuzhithurai at Marthandam

Kanyakumari District 629 165

... Respondents in both appeals

Prayer:- Writ Appeals filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.Nos.24382 and 24383 of 2002 dated 24.02.2010.

These Writ Petitions are filed Under Article 226 of the Constitution of India for issuance of *WRIT OF CERTIORARI* to call for the records relating to the proceedings of the 2nd respondent Director of School Education, in (1)NE.Mu.No.112800/W6/2001 dated 25.5.2002 (in WP.24382/02) (2)and NE.Mu.No.88521/W6/2000 dated 04.9.2001 (in WP.24383/02) and quash the same.

For Appellant : Mr.Isaac Mohanlal
in both appeals Senior Counsel
for Mr.P.Godson Swaminath

For Respondents : Mr.K.Karthikeyan
in both appeals Government Advocate (Education)

COMMON JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

These two intra court appeals are directed against the common order dated 24 February, 2010 in W.P.Nos.24382 and 24383 of 2002, whereby and whereunder, the learned Single Judge confirmed the order passed by the Director of School Education and dismissed the writ petitions.

2. The learned Senior Counsel for the appellant contended that the presence of Headmaster with qualification in Economics to take classes for the subject in Economics made the learned Single Judge to dismiss the writ petitions. The learned Senior counsel contended that the Headmaster retired in 2003. The writ petitions were filed well before that. The learned Senior Counsel submitted that the appellant would be satisfied in case liberty is given to the institution to submit a representation before the Director of School Education for sanctioning the post of P.G. Assistant (Economics), taking into account the fact that there is no Economics teacher as on date.

3. The learned counsel on record for the appellant has made an endorsement indicating that he is withdrawing the appeals with liberty to approach the authorities.

4. We permit the appellant to submit a comprehensive representation to the Director of School Education, Chennai, for appropriate relief. In case any such representation is given, the same shall be considered and disposed of by the Director of School Education, taking into account the subsequent events relating to the retirement of the Headmaster who was qualified to take classes for Economics subject and without in any way being influenced by any of the observations made in the order dated 24 February, 2010 in the writ petitions. Such exercise shall be completed within a period of four months from the date of receipt of representation.

The intra court appeals are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-ii)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary to the Govt. of TN
Department of School Education
Fort St.George, Chennai 600 009.

2.The Director of School Education
College Road, Chennai 600 006.

3.The Chief Educational Officer
Nagercoil 629 001
Kanyakumari District.

4.The District Educational Officer
Kuzhithurai at Marthandam
Kanyakumari District 629 165

+1cc to Mr.P.GODSON SWAMINATH, Advocate, S.R.No. 7086
+1cc to the Government Pleader, S.R.No. 7437

W.A.Nos.2797 and 2798 of 2012

BR(CO)
TR(19/02/2018)

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