



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Fourth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.11854 of 2018
IN

WA(MD) No.SR46805 of 2018

JOTHI PRIMARY SCHOOL
WELFARE COMMITTEE, REP.BY ITS PRESIDENT,
A.PAULDURAI,

... PETITIONER/APPELLANT

Vs

1 JOTHI PRIMARY SCHOOL
REP.BY ITS SECRETARY, A.DURAIKANY.

2 THE DISTRICT REGISTRAR
O/O. THE DISTRICT REGISTRAR,
TENKASI, TIRUNELVELI DISTRICT.

3 THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT, TIRUNELVELI-9

4 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI

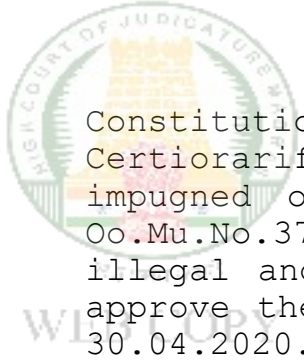
5 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ALANGULAM, ALANGULAM TK,
TIRUNELVELI DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner herein to file Writ Appeal against the impugned order passed in W.P.(MD)No.4497 of 2018 dated 24.08.2018 on the file of this Honble Court and thus render justice.

PRAYER IN WA(MD) No.SR46805 of 2018

Set aside the order passed in WP(MD)NO.4497 of 2018 dated 24.08.2018 on the file of this Hon'ble Court, and allow this writ appeal and thus render justice.



Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 4th respondent in his proceedings Oo.Mu.No.374/Aa 5/2018 dated 16.02.2018 and quash the same as illegal and consequentially to direct the respondent No. 3 & 4 to approve the school committee for the period between 01.05.2017 and 30.04.2020.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.J.KARTHICK, Advocate for the petitioner, the court made the following order:-

[Order of the Court made by **S.S.SUNDAR, J.**]

This Petition is filed to grant leave to the petitioner to file the above writ appeal.

2.The petitioner is not a party in the writ petition in W.P.(MD)No.4497 of 2018, against which the above writ appeal has been filed. The first respondent herein has preferred the above said writ petition and the same was allowed with a specific direction to the respondents 3 and 4 to approve School Committee, as per the proposal submitted by the writ petitioner's school Committee and Form-VII within the stipulated time.

3.The learned Counsel for the petitioner submitted that there is a dispute with regard to the administration of the School and further submitted that in relation to the same, two suits are also pending.

4.Though the direction of the learned Single Judge is to the effect that the approval that may be granted to the writ petitioner's School Committee is subject to the out come of the pending civil suits, the direction to approve the School Committee as per the proposal submitted by the writ petitioner is against the interest of the petitioner herein. *Prima facie* this Court is satisfied that the petitioner's interest is affected and that the petitioner is also aggrieved by the order in the writ petition. Hence, this petition is allowed and the Registry is directed to number the above appeal, if the papers are otherwise in order.

sd/-
04/12/2018

/ TRUE COPY /



TO

- 1 THE DISTRICT REGISTRAR
O/O. THE DISTRICT REGISTRAR,
TENKASI, TIRUNELVELI DISTRICT.
- 2 THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT, TIRUNELVELI-9
- 3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI
- 4 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ALANGULAM, ALANGULAM TK,
TIRUNELVELI DISTRICT.

COPY TO

THE SUB-ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/VR-MMS/SAR-2/12/12/2018/3P/6C

ORDER
IN
CMP (MD) No.11854 of 2018
IN
WA (MD) No.SR46805 of 2018
Date :04/12/2018