



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

Thursday, the Nineteenth day of July Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DURAISWAMY
and
The Hon`ble Dr.Justice ANITA SUMANTH

CMP(MD) Nos.4329 and 3605 of 2018
IN
WA(MD) No.654 of 2018

CMP(MD) No.4329 of 2018 IN WA(MD) No.654 of 2018:

THE CORRESPONDENT
HIGHER SECONDARY SCHOOL,
KALLUPALAM,
EDAICODE POST,
KANYAKUMARI DISTRICT-629 155

... PETITIONER/3rd RESPONDENT/
3rd RESPONDENT

Vs

1 C.MARY JOHN ...1st RESPONDENT/PETITIONER/APPELLANT

2 THE CHIEF EDUCATIONAL OFFICER
NAGERCOIL,
KANYKUMARI DISTRICT

3 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI AT MARTHANDAM,
KANYAKUMARI DISTRICT.

... RESPONDENTS 2,3/RESPONDENTS 1,2/
RESPONDENTS 1,2

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the interim order of status quo granted by this Honourable Court in C.M.P.(MD) NO.3605 of 2018 in W.A.(MD)NO.654 of 2018 dated 11.04.2018 and thus render justice.

CMP(MD) No. 3605 of 2018 IN WA(MD) No.654 of 2018:

C.MARY JOHN ... PETITIONER/APPELLANT

Vs

<https://hcservices.ecourts.gov.in/hcservices/>
1 THE CHIEF EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT AT NAGERCOIL.



2 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI AT MARTHANDAM,
KANYAKUMARI DISTRICT.

3 THE CORRESPONDENT,
HIGHER SECONDARY SCHOOL, KALLUPALLAM,
EDAICODE POST,
KANYAKUMARI DISTRICT-629155.

... RESPONDENTS / RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue suitable Ad Interim Injunction restraining the 2nd respondent District Educational Officer, Kuzhithurai to approve the appointment made by the 3rd respondent school in the vacancy caused due to the retirement of then incumbent Tmt.Mathulakumari, pending disposal of the Writ Appeal and pass such further or other suitable order/orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.J.ANANDHAVALLI, Advocate for the petitioner in CMP(MD) No.4329 of 2018 IN WA(MD) No.654 of 2018 and 3rd respondent in CMP(MD) No. 3605 of 2018 IN WA(MD) No.654 of 2018 and of MR.S.XAVIER RAJINI, Advocate for the petitioner in CMP (MD) No. 3605 of 2018 IN WA(MD) No.654 of 2018 and R1 in CMP(MD) No.4329 of 2018 IN WA(MD) No.654 of 2018 and MR.A.K.BASKARA PANDIAN, Special Government Pleader for R2 & R3 in CMP(MD) No.4329 of 2018 IN WA(MD) No.654 of 2018 and R1 & R2 in CMP(MD) No. 3605 of 2018 IN WA(MD) No.654, the court made the following order:-

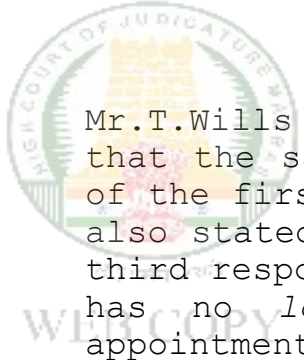
(Order of the Court was made by M.DURAISWAMY,J.)

Challenging the dismissal of the writ petition in W.P.(MD) No.15341 of 2012, the writ petitioner has filed the above Writ Appeal.

2. The appellant/writ petitioner sought for the issuance of a writ of mandamus directing the third respondent aided Higher Secondary School, Kallupallam, Kanyakumari District to appoint him as BT Assistant in Science.

3. The relief sought for by the appellant/writ petitioner was negatived by the learned Single Judge.

4. When the writ appeal came up for admission, this Court granted an order of status quo on 11.04.2018. Subsequently, the third respondent filed a vacate stay petition in C.M.P.(MD) No.4329 of 2018, wherein the third respondent has stated that in the vacancy arisen after the retirement of Mrs.V.Mirudhula Kumari, one



Mr.T.Wills was appointed as BT Assistant on and from 04.10.2012 and that the said post was sanctioned post by the staff fixation order of the first respondent. While stating so, the third respondent has also stated that the writ petitioner was not at all employed by the third respondent School and therefore, the appellant/writ petitioner has no *locus standi* to file the writ petition seeking for appointment in the third respondent School.

5. Subsequently when the matter was listed for hearing, the learned Counsel appearing for the appellant/writ petitioner was directed to produce the originals of the documents annexed in the typed set of papers including the letter of appointment issued in favour of the appellant/writ petitioner.

6. The learned Counsel appearing for the appellant/writ petitioner submitted that the appellant/writ petitioner is not in a position to produce the same and that he is searching for the original of the appointment letter.

7. The non-production of the original documents would *prima facie* establish that the case put forth by the appellant/writ petitioner in the writ petition cannot be accepted for the present. Without producing the original documents, the interim order of *status quo* cannot be allowed to continue. If it is allowed to continue, it would prejudice and cause hardship to the third respondent.

8. In these circumstances, the order of *status quo* granted on 11.04.2018 is vacated and the petition in C.M.P.(MD)No.3605 of 2018 stands dismissed and C.M.P.(MD)No.4329 of 2018 is ordered.

9. Post the Writ Appeal for hearing in the last week of August 2018.

sd/-
19/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE CHIEF EDUCATIONAL OFFICER,
<https://hcservices.ecourts.gov.in/hcservices/>
KANYAKUMARI DISTRICT AT NAGERCOIL.



2 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI AT MARTHANDAM,
KANYAKUMARI DISTRICT.

+1. C.C. to M/S.J.ANANDHAVALLI Advocate SR.No.5952

ORDER
IN
CMP (MD) Nos.4329 and
3605 of 2018
IN
WA (MD) No.654 of 2018
Date :19/07/2018

SMA/CSL/SAR-2/25.07.2018:4P/4c