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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19682 of 2017
and
WMP(MD)Nos.15947 to 15949 of 2017

J.Udhaya Sankar ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of School Education,
Fort. St. George, Chennai - 600 009.

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

3.The District Elementary Educational
Officer, Madurai District at Madurai.

4.The Additional Assistant Elementary
Educational Officer, Chellampatti,
Madurai District - 625 537.

5.The District Elementary Educational
Officer,
Virudhunagar District at Virudhunagar.

6.The Assistant Elementary Educational
Officer,
Narikudi, Virudhunagar District.

7.The Administrator,
The Tamil Evangelical Lutheran
Church (TELC), P.B.No.86,
Tranquebar House, Trichy - 620 001.

8.The Advocate Administrator,
T.E.L.C. Primary School,
Sadachipatti - 625 532, Madurai District.

9.The Advocate Administrator,
TELC Primary School,
Pillaiyar Natham,
Virudhunagar District. ...Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the fifth respondent District Elementary Educational Officer, Virudhunagar in O.Mu.No.2279/Aa3/2017 dated 04.07.2017, quash the same and further direct the fifth respondent District Elementary Educational Officer, Virudhunagar to approve the relieving of petitioner as the Headmaster from 9th respondent school namely, TELC Primary School, Pillaiyar Natham, Virudhunagar District w.e.f., 14.06.2017 and further direct the third respondent District Elementary Educational Officer, Madurai to approve the appointment of the petitioner as the Headmaster in the 8th respondent school namely, TELC Primary School, Sadachipatti, Madurai District w.e.f., 15.06.2017 and disburse grant-in-aid towards his salary and other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.J.Gunaseelan Muthaiah,
Addl., Government Pleader
for R1 to R6
Mr.P.Tharmaraj Santhosam for R7 to R9

O R D E R

The writ petitioner is working as Headmaster in TELC Primary School, Pillaiyar Natham, Virudhunagar District. The said school comes under the corporate management of TELC. A retired Hon'ble Judge of this Court is presently acting as the Administrator for TELC.

2.The said Hon'ble Administrator had transferred the writ petitioner from 9th respondent school to 8th respondent school namely, TELC Primary School, Sadachipatti, Madurai District. The petitioner got relived with effect from 14.06.2017 and the same was also approved by the Additional Elementary Educational Officer, Narikuudi, Virudhunagar District vide proceedings in Na.Ka.No.487/A1/2017 dated 14.12.2017. The writ petitioner is presently working in the 8th respondent school.

3.The learned counsel appearing for the writ petitioner highlighted the plight of the writ petitioner. Though the writ petitioner is working in the eight respondent school from 15.06.2017, he is yet to be paid the salary. The writ petitioner is working without getting any salary for the last several months. This writ petition has been filed questioning the order dated 04.07.2017 passed by the District Elementary Educational Officer, Virudhunagar, the fifth respondent herein declining to approve the transfer of the writ petitioner from the 9th respondent school to 8th respondent school.

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4.In view of the subsequent developments, the main prayer in the writ petition does not survive. But, the grievance of the writ petitioner very much survives.

5.The third respondent is the authority competent to approve the joining of the writ petitioner in the 8th respondent school and also pay the salary. The third respondent cannot have any objection. When another district authority had already approved the relieving of the writ petitioner from the 9th respondent school, there cannot be any objection raised by the third respondent.

6.In view of the undisputed nature of the facts involved in this writ petition, the third respondent is directed to approve the appointment of the writ petitioner as the Headmaster in the 8th respondent school with effect from 15.06.2017 and also disburse the salary and other monetary benefits. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To
1.The Secretary, Department of School Education,
Fort. St. George, Chennai - 600 009.
2.The Director of Elementary Education,
College Road, Chennai-600 006.
3.The District Elementary Educational
Officer, Madurai District at Madurai.
4.The Additional Assistant Elementary
Educational Officer, Chellampatti,
Madurai District - 625 537.
5.The District Elementary Educational Officer,
Virudhunagar District at Virudhunagar.
6.The Assistant Elementary Educational Officer,
Narikudi, Virudhunagar District.

+1cc to M/S.S.Xavier Rajini, Advocate SR.No. 41329
+1cc to Special Government Pleader, SR.No. 42276
+1cc to M/S.P.Dharmaraj Santhosam, Advocate SR.No. 41406

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