



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
and

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.A(MD)No.1447 of 2018

The MSS Waqf Board College,
Rep. by its Principal,
K.K.Nagar,
Madurai.

... Appellant/4th Respondent/4th Respondent

Vs.

1.B.Sardar Basha ... 1st Respondent/Petitioner/Writ Petitioner

2.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Backward Classes, Most Backward Classes
and Minority Welfare Department,
Fort St. George,
Chennai.

3.The Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
Jaffer Sirrang Street,
Vallal Seethakadhi Nagar,
Chennai.

4.N.Jamal Mohideen ... Respondents 2 to 4/Respondents 1 to 3
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent
against the order, dated 19.07.2018 made in W.M.P(MD)No.14138 of
2018 in W.P(MD)No.15788 of 2018, on the file of this Court.

Prayer in WMP(MD)No.14138 of 2018:

It is Prayed that this Hon'ble Court may be pleased to grant
AD-INTERIM STAY of Operation of the first respondent in G.O.D No.3,
Backward Classes, Most Backward Classes and Minority Welfare S2
Department dated 01.02.2017 pending disposal of the Writ Petition.



Prayer in WP(MD)No.15788 of 2018:

It is prayed that this Hon'ble Court may be pleased to issue a Writ of Certiorari, calling for the records relating to the impugned order made by the 1st respondent in G.O.D.No.3, Backward Classes, Most Backward Classes and Minority Welfare S2 Department dated 01.02.2017 and quash the same as illegal in so far as nominating the 3rd respondent to the governing body of the 4th respondent College is considered and pass such further or other orders as this Hon'ble Court may deem fit and proper in the Circumstances of the Case and thus render justice.

For Appellant	: Mr.S.Ramesh
For R - 1	: Mr.M.Imam Hussain
For R - 2	: Mr.Aayiram K.Selvakumar, Additional Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

Heard the learned counsel for the appellant and Mr.M.Imam Hussain, who takes notice for the first respondent and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, who takes notice for the second respondent.

2. This writ appeal is directed as against the interim order, dated 19.07.2018 passed in W.M.P(MD)No.14138 of 2018 in W.P(MD)No.15788 of 2018.

3. It appears that the fourth respondent/third respondent-N.Jamal Mohideen was removed from service due to misconduct (sexual harassment etc.). However, once again, for the Wakf Board, he was nominated as a Government nominee and in that capacity, he is said to have become the Secretary and Correspondent of the Institution. Aggrieved over the same, the first respondent/writ petitioner filed the Writ Petition.

4. Having gone through the various facts, the learned Single Judge has passed an order of interim stay and interim injunction.

5. Against which, the present Writ Appeal is filed by the appellant/fourth respondent.



6. The interim order passed is under challenge. The main matter is said to be kept pending for final disposal and the same is posted on 25.10.2018. Such being the case, this appeal does not survive for consideration.

7. In view of the above, we hereby direct the parties to urge all the contentions before the learned Single Judge and to extend their co-operation for early disposal of the case on the next date of hearing or thereafter.

8. This Writ Appeal is disposed of accordingly. No costs.

Sd/

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-I)

To

The Principal Secretary,
Rep. by the Government of Tamil Nadu,
Backward Classes, Most Backward Classes
and Minority Welfare Department,
Fort St. George,
Chennai.

+1cc to Mr.V.RAGHAVACHARI, Advocate, SR.No.91607

+1cc to M/s.Special Government Pleader,SR.No. 91407

W.A(MD)No.1447 of 2018
23.10.2018

ps/pm

KK/RSK/SAR-1/01.11.2018/3P-4C