



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No. 1015 of 2013
And
M.P.No. 1 of 2013

H.S. Mohideen

Appellant/Petitioner

Vs.

1. The Director of Elementary Education
College Road, Chennai - 600 003.
2. The District Elementary Educational Officer
Ramanathapuram.
3. The Assistant Elementary Educational Officer
Paramakudi.
4. The Tamil Nadu Wakf Board
Rep. by its Chief Executive Officer
1, Jaffer Sarang Street, Chennai - 600 001.
5. A.M.Noor Mohamed
6. S.Abdul Gafoor

Respondents/ Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 18.04.2013 made by the learned Single Judge in W.P.No. 15943 of 2003.

W.P.No.15943/2003:

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent's order dated 29.4.2003 made in Mu/Mu/En/2008/Aa4/2003 to quash the same and consequently, direct the respondents 1 to 3 to allow the petitioner to continue to function as the Correspondent of "Khyrathul Alia West Muslim Elementary and High School Paramakudi".



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For Appellant : Mr. M.N.S. Mohamed Habeeb Raja
For RR 1 to 3 : Mr. K.Karthikeyan
Special Government Pleader
For R4 : M/s. Mohamed Fayaz Ali
For RR 5 & 6 : No appearance

J U D G M E N T
(Delivered by DR.VINEET KOTHARI, J)

The Appellant H.S.Mohideen has filed the present Writ Appeal against the Order of the learned Single Judge dated 18.04.2013 by which the learned Single Judge disposed of his Writ Petition in W.P.No. 15943 of 2003 [H.S.Mohideen Vs. The Director of Elementary Education and Tamil Nadu Wakf Board and others]. The observations of the learned Single Judge in the order impugned before us are as follows:-

"10. In view of all the above, this Court is of the view that it is for the 4th Respondent Wakf Board to implement the Orders passed by the Madurai Bench of this Court in the W.P.(MD).No. 3307 of 2004 as well as the order passed by this Court in W.P.No. 11882 of 1998 dated 26.04.2000 effectively without any deviation. The fourth respondent Wakf Board is further directed to hold election and thereafter proceed with the matter as per the direction given above in the Writ Petitions. Further, when the petitioner is holding the post of Correspondent from the year 2001, without even submitting any accounts to the fourth respondent which is against the law and when the period of holding the office has also already been over, under such circumstances, the petitioner is hereby directed to hand over the management of the "khyrathul Alia West Muslim Elementary and High School Paramakudi" to the fourth respondent within seven days from the date of receipt of a copy of this order.

11. With the above observation, this Writ Petition is disposed of. No costs.



Consequently, connected Miscellaneous
Petitions are also closed."

2. The learned counsel for the Wakf Board, Mr. Mohamed Fayaz Ali submitted before us that the term of the present petitioner/appellant, who was earlier appointed as Correspondent ended way back in the year 2001 and he has also handed over charge to the Wakf Board. Since the learned Single Judge has already directed the elections to be held for the said minority institution, the elections may be permitted to be held in accordance with law.

3. The learned counsel for the appellant does not fairly dispute this position.

4. Accordingly, we dispose of this Writ Appeal as having been rendered as infructuous and we uphold the order of the learned Single Judge to the extent of issuing directions to hold the election to the said minority Institution in accordance with law as expeditiously as possible preferably within a period of six months from today. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vsg

To

1. The Director of Elementary Education
College Road, Chennai - 600 003.
2. The District Elementary Educational Officer
Ramanathapuram.
3. The Assistant Elementary Educational Officer
Paramakudi.
4. The Chief Executive Officer
The Tamil Nadu Wakf Board
1, Jaffer Sarang Street, Chennai - 600 001.
+1 CC to Government Pleader sr 58063.

W.A.No. 1015 of 2013
And
M.P.No. 1 of 2013

AD(CO)
SP(05/08/2019)