

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.3349 of 2019
and W.M.P.No.3633 of 2019

Qasmiyah Educational Trust,
A Public Religious and Charitable Trust,
Represented by its Managing Trustee/President,
Mr.Mufti Mujahidul Islam Qasmi,
Having Office at
No.70, Mint Modern City,
Old Washermenpet, Chennai 600 021 Petitioner

--Vs--

1. The State of Tamil Nadu,
Rep by its Secretary,
Education Department,
Fort St.George,
Chennai 600 001.
2. The Director of Elementary Education,
D.P.I.Compound,
College Road,
Chennai 600 006.
3. The District Elementary Education,
D.P.I.Compound,
College Road,
Chennai 600 006.
4. Zubaida Educational Trust,
Represented by its Managing Trustee,
No.36 B & 37A, Mint Modern City,
Old Washermenpet,
Chennai 600 021.
5. Zubaida Nursery and Primary School,
Rep by its Correspondent,
No.36B and 37A, Mint Modern City,
Old Washermenpet,
Chennai 600 021.

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 12.12.2018 passed by the third respondent vide Na.Ka.No.3670/AA1 /2018 and quash the same as illegal, arbitrary and devoid of merits consequently direct the third respondent to afford opportunity of hearing the petitioner and pass a reasoned order to the representation dated 20.09.2016.

For Petitioner Mr.R.Abdul Mubeen

For Respondents-1 to 3: Mrs.P.Kavitha
Government Advocate (Edn)

For Respondents-4 to 6: Mr.A.Thiagarajan
Senior Counsel for
Mr.M.Nallathambi

O R D E R

Challenging the order of the third respondent dated 12.12.2018 and seeking a consequential direction to the third respondent to afford an opportunity of hearing to the petitioner before passing an order, the present Writ Petition has been filed.

2. The complaint of the petitioner in this Writ Petition to quash the impugned order passed by the third respondent is that, the said order has been passed without affording him an opportunity of personal hearing, despite the order of this Court in the earlier writ petition directing to give opportunity of personal hearing.

3. The said fact is admitted even in paragraph 6 of the counter affidavit filed by the third respondent, wherein, it is stated that the petitioner was orally called for hearing at his Office and since the petitioner did not turn up for hearing and the Court order had to be complied with by the third respondent, the impugned order was passed.

4. Learned Senior Counsel appearing for the respondents 4 to 6 has also admitted the same.

5. Accordingly, the impugned order passed by the third respondent is set aside and the matter is remitted back to the

third respondent. The third respondent is directed to conduct a detailed enquiry and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, the sixth respondent herein as well as the interested persons in this regard and also affording them sufficient time to respond. The said exercise shall be completed on or before 31.05.2019.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary,
State of Tamil Nadu,
Education Department,
Fort St.George,
Chennai 600 001.
2. The Director of Elementary Education,
D.P.I.Compound,
College Road,
Chennai 600 006.
3. The District Elementary Education,
D.P.I.Compound,
College Road,
Chennai 600 006.

+1cc to M/S.R.Abdul Mubeen, Advocate Sr.36144
+1cc to the Government pleader Sr.37101

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and W.M.P.No.3633 of 2019

rk[co]
srg 30/05/2019