

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :18.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.27618 of 2015

The Advent Christian Conference of India
Rep. By its President
No.163, A.A.M. Compound
Gandhi salai, Velachery
Chennai - 600042.

..Petitioner

vs

1.The District Elementary Educational Officer,
Kancheepuram District, Kancheepuram.

2.The District Elementary Educational Officer,
Chennai District,
Chennai 600 006.

3.Rev.M.G.Baktha singh
Correspondent
Advent Christian Conference of India
No.163, A.A.M. Compound
Gandhi salai, Velachery
Chennai - 600042.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Certiorari, to call for all the records relating to the
impugned order dated 24.08.2015 and to the impugned
Communication dated 25.08.2015, both passed by the 3rd
respondent herein, and quash the same.

For Petitioner : Mr.J.Thilagaraj

For Respondents 1 & 2 : Ms.V.Annalakshmi
Government Advocate

For Respondent 3 : Mrs.Dakshayini Reddy

O R D E R

The prayer sought for in this Writ Petition is to call for all the records relating to the impugned order dated 24.08.2015 and to the impugned Communication dated 25.08.2015, both passed by the 3rd respondent herein, and quash the same.

2. Rev.Dr.A.Francis Thangadurai, the former President, the Advent Christian Conference of India (the President at the time filing the Writ Petition), filed an affidavit before this Court and the contention of the said affidavit would read as follows:

"It is submitted that the present affidavit is being filed to bring to the notice of this Hon'ble Court, the following facts.

(a) In the interest of the teachers who have been promoted and effected with transfers by the Education Committee during the years 2015-18, the deponent wants to withdraw W.P.No.27618 of 2015.

(b) The reason for filing W.P.No.27618 of 2015 was that the deponent was not part of the education committee which passed the Resolution dated 24.08.2015. The deponent states that the deponent has no objection for the Implementation of the resolution dated 24.08.2015.

(c) The Executive Committee under the Presidentship of the deponent, permitted the education committee to function between the years 2015 to 2018 with the same members of the Education Committee. As a matter of fact, the promotion order of one Ms.Ragael was also approved by the competent departmental authority. The same was not objected to by the Executive Committee.

(d) In conclusion, it is submitted that even though the deponent filed the Writ Petition in W.P.No.27618 of 2015 challenging the composition and resolution of the Education Committee dated 24.08.2015, inasmuch as the same Educational Committee continued to function for a period of 3 years and the Executive Committee also permitted the education committee to take decision with respect to transfers, promotions, even other additions to the composition of the Education Committee, the only resolution dated 24.08.2015 should not affect the teachers who have been

granted with promotion.

Under the said circumstances, it is humbly prayed that this Hon'ble Court may be pleased to record the affidavit filed by the deponent and accordingly dismiss W.P.No.27618 of 2015 as not pressed or in the alternative, record the submissions of the deponent that he has no objection to the teachers who have been granted promotion by the Resolution dated 24.08.2015 and 31.05.2016 to be granted approval by the competent educational authority from the date of their initial promotion and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice."

3. In view of the affidavit filed, the Writ Petition is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

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To

1.The District Elementary Educational Officer,
Kancheepuram District, Kancheepuram.

2.The District Elementary Educational Officer,
Chennai District,
Chennai 600 006.

3.Rev.M.G.Baktha singh
Correspondent
Advent Christian Conference of India
No.163, A.A.M. Compound
Gandhi salai, Velachery
Chennai - 600042.

+1 cc to Government Pleader Sr.No. 81180

+2ccs to Mr.J.Thilagaraj , Advocate SR.No. 80144

+1cc to Mr.V.Vijaya shankar , Advocate SR.No. 8048

W.P.No. 27618 of 2015 &
M.P.Nos.1 to 5 of 2015

ca A.SK(19/11/2019)